

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JAMES McNEIL,

Plaintiff,

Case No. 1:10cv977

v.

Hon. Robert J. Jonker

PATRICIA CARUSO, et al.,

Defendants.

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**ORDER**  
**APPROVING REPORT AND RECOMMENDATION**

The court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties on November 1, 2010. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

**THEREFORE, IT IS ORDERED** that the Report and Recommendation of the Magistrate Judge, filed November 1, 2010, is approved and adopted as the opinion of the court.

**IT IS ORDERED** that the habeas corpus petition is **DENIED** because it is barred by the one-year statute of limitations.

**IT IS FURTHER ORDERED** that a certificate of appealability is **DENIED**. See *Slack v. McDaniel*, 529 U.S. 473 (2000).

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/s/ Robert J. Jonker  
ROBERT J. JONKER  
UNITED STATES DISTRICT JUDGE

DATED: November 23, 2010