

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

MICHAEL D. LAZENBY,

Petitioner,

v.

Case No. 1:10-CV-1029

CARMEN PALMER,

Hon. Gordon J. Quist

Respondent.

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ORDER ADOPTING 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 January 18, 2012. 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 January 17, 2012, is approved and adopted as the opinion of the Court.

IT IS FURTHER ORDERED that Respondent’s Motion for Summary Judgment and Dismissal of Petition for Writ of Habeas Corpus (docket no. 11) is **DENIED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that Petitioner shall file a second amended habeas petition on the Court’s form petition under 28 U.S.C. § 2254 for writ of habeas corpus by a person in state custody within **twenty-eight (28) days** of the date of this Order. The Clerk shall send Petitioner a copy of the form. Petitioner shall clearly state with specificity each incident of ineffective counsel he is alleging as a claim in this proceeding. Petitioner need not re-submit supporting materials filed with his original or first amended habeas petition. If Petitioner fails to submit a second amended petition in proper form within the time allowed, the petition will be dismissed without prejudice by the Court.

Dated: February 7, 2012

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE