

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

DWAYNE CHRISTOPHER WILLIAMS,

Petitioner,

File No. 1:11-CV-1232

v.

HON. ROBERT HOLMES BELL

CARMEN PALMER,

Respondent.

**ORDER ADOPTING REPORT AND RECOMMENDATION
AND DISMISSING PETITION FOR WRIT OF HABEAS CORPUS**

This matter is before the Court on Petitioner Dwayne Christopher Williams's objections to the Magistrate Judge's January 19, 2012, Report and Recommendation ("R&R") recommending that Petitioner's § 2254 petition for writ of habeas corpus be dismissed with prejudice pursuant to Rule 4 of the Rules Governing § 2254 Cases, because it plainly appears that the petition is barred by the one-year statute of limitations found in 28 U.S.C. § 2244(d)(1). (Dkt. No. 4, R&R.) Petitioner filed objections to the R&R on February 7, 2012. (Dkt. No. 5.)

This Court is required to make a *de novo* determination of those portions of the R&R to which objection has been made and may accept, reject, or modify any or all of the Magistrate Judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Although the Magistrate Judge's R&R is reviewed *de novo*, this Court must review

the state court proceedings consistent with the standards set forth in 28 U.S.C. § 2254.

Petitioner objects to the R&R based on his contention that he “did in fact file all proper appropriate appeals of rights well within such time limitation.” Even if Petitioner’s appeals were timely, Petitioner has not challenged the Magistrate Judge’s determination that his § 2255 petition was not filed within one year of June 28, 2010, when the Michigan Supreme Court denied leave to appeal. Petitioner has not raised any meritorious challenges to the Magistrate Judge’s finding that his § 2255 petition is time-barred. Accordingly,

IT IS HEREBY ORDERED that Petitioner’s objections to the Report and Recommendation of the Magistrate Judge (Dkt. No. 5) are **OVERRULED**.

IT IS FURTHER ORDERED that the January 19, 2012, R&R (Dkt. No. 4) is **APPROVED** and **ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that Petitioner’s petition for writ of habeas corpus (Dkt. No. 1) is **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

Dated: September 6, 2012

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE