

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

| | | |
|-------------------|---|---------------------------|
| DENNY B. McCOWAN, |) | |
| Petitioner, |) | |
| |) | No. 1:12-cv-1377 |
| -v- |) | |
| |) | HONORABLE PAUL L. MALONEY |
| MARY BERGHUIS, |) | |
| Respondent. |) | |
| _____ |) | |

ORDER ADOPTING REPORT AND RECOMMENDATION

Petitioner Denny Bryant brings a habeas action under 28 U.S.C. § 2254. The magistrate judge performed an initial review of the petition. The magistrate judge issued a report recommending the petition be dismissed on the basis that it is barred by the one-year statute of limitations. (ECF No. 6.) Bryant filed an objection. (ECF No. 7.) Although the objection was not filed within the 14 days allowed by statute and rule, Bryant has explained the late filing, which the Court accepts. Having reviewed the report and recommendation and objections, and finding that the objections do not undermine the sound conclusions in the report, the report and recommendation (ECF No. 6) is **ADOPTED** as the opinion of this Court. The petition is **DISMISSED**. A Certificate of Appealability is **DENIED**. Reasonable jurists would not disagree with the conclusion that this petition was filed after the one-year statute of limitations expired. *See Slack v. McDaniel*, 529 U.S. 473, 483-84 (2000). **IT IS SO ORDERED.**

Date: March 8, 2013

/s/ Paul L. Maloney
Paul L. Maloney
Chief United States District Judge