

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TARIK DEBRONTE SCOTT,

Petitioner,

v.

GREG SKIPPER,

Respondent.

Case No. 1:18-cv-479

HON. JANET T. NEFF

OPINION AND ORDER

This is a habeas corpus petition filed pursuant to 28 U.S.C. § 2254. The matter was referred to the Magistrate Judge, who issued a Report and Recommendation (R&R) recommending that this Court deny the petition as “meritless and/or not cognizable.” The matter is presently before the Court on Petitioner’s three objections to the Report and Recommendation. In accordance with 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3), the Court has performed de novo consideration of those portions of the Report and Recommendation to which objections have been made. The Court denies the objections and issues this Opinion and Order. The Court will also issue a Judgment in this § 2254 proceeding. *See Gillis v. United States*, 729 F.3d 641, 643 (6th Cir. 2013) (requiring a separate judgment in habeas proceedings).

Objection One. Petitioner devotes the majority of his filing to his argument that the Magistrate Judge erred in “concluding Petitioner failed to show that the Michigan Court of Appeals’ rejection of his Confrontation Clause challenge is contrary to, or an unreasonable application of, clearly established law” (Obj., ECF No. 19 at PageID.1113-1120). However, Petitioner largely reiterates the arguments already presented to the Magistrate Judge, and his

general statements of disagreement with the Magistrate Judge's conclusions do not serve to demonstrate any factual or legal error by the Magistrate Judge. Therefore, the objection is denied.

Objection Two. Next, relying on the "reasons elaborated in the Confrontation Clause violation just previously," Petitioner briefly asserts that the Magistrate Judge erred by "failing to find that the verdict was against the great weight of the evidence and therefore insufficient" (*id.* at PageID.1120). Petitioner's objection does not serve to demonstrate any factual or legal error by the Magistrate Judge. The second objection is also properly denied.

Objection Three. Last, Petitioner briefly argues that the Magistrate Judge erred "by recommending that no Certificate of Appealability be awarded" (*id.*). (Obj., ECF No. 19 at PageID.1120). Petitioner points out that "the Magistrate [Judge], a jurist, admitted that 'I would not conclude that any issue Petitioner might raise on appeal would be frivolous'" (*id.*, quoting R&R, ECF No. 18 at PageID.1111). Contrary to Petitioner's argument, the denial of a certificate of appealability and the analysis regarding any arguments made on appeal not being frivolous are not in conflict with each other. Further, Petitioner provides no argument beyond his one-sentence assertion that "a substantial showing of a denial of a constitutional right was demonstrated" (*id.*). Therefore, the objection is denied.

Consistent with the Magistrate Judge's recommendation, the Court determines pursuant to 28 U.S.C. § 2253(c) that reasonable jurists would not find the Court's assessment of Petitioner's asserted claims debatable or wrong. *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *Murphy v. Ohio*, 263 F.3d 466, 466-67 (6th Cir. 2001). Therefore, the Court denies a certificate of appealability as to each issue presented. *See* RULES GOVERNING § 2254 CASES, Rule 11 (requiring the district court to "issue or deny a certificate of appealability when it enters a final order").

Accordingly:

IT IS HEREBY ORDERED that the Objections (ECF No. 19) are DENIED and the Report and Recommendation of the Magistrate Judge (ECF No. 18) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that the petition for habeas corpus relief (ECF No. 1) is DENIED for the reasons stated in the Report and Recommendation.

IT IS FURTHER ORDERED that a certificate of appealability pursuant to 28 U.S.C. § 2253(c) is DENIED as to each issue presented.

Dated: October 26, 2020

/s/ Janet T. Neff

JANET T. NEFF
United States District Judge