

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

ANTHONY DEVERE HARDISON,

Petitioner,

v.

Case No. 2:05-cv-170

HON. ROBERT HOLMES BELL

BARRY DAVIS,

Respondent.

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**OPINION AND ORDER APPROVING MAGISTRATE JUDGE'S**

**REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action on May 7, 2008. The Report and Recommendation was duly served on the parties. The Court has received objections from petitioner. In accordance with 28 U.S.C. § 636(b)(1), the Court has performed *de novo* consideration of those portions of the Report and Recommendation to which objection has been made. The Court now finds the objections to be without merit.

Petitioner procedurally defaulted the issues that he presents in his petition and has failed to show cause and prejudice for his procedural default. Moreover, petitioner has failed to show that his trial counsel and appellate counsel were ineffective.

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge (Docket #32) is approved and adopted as the opinion of the Court.

Dated: September 9, 2008

/s/ Robert Holmes Bell

ROBERT HOLMES BELL

UNITED STATES DISTRICT JUDGE