

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

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BRIAN JOSEPH MCCARTHY,

Petitioner,

Case No. 2:17-CV-126

v.

HON. GORDON J. QUIST

MITCH PERRY,

Respondent.

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**ORDER ADOPTING**  
**REPORT AND RECOMMENDATION**

The Court has reviewed Magistrate Judge Timothy P. Greeley's December 3, 2018, Report and Recommendation recommending that Petitioner's petition for writ of habeas corpus be denied and that the Court deny Petitioner a certificate of appealability. The Report and Recommendation was duly served on Petitioner on December 4, 2018. No objections have been filed pursuant to 28 U.S.C. § 636(b). Therefore the Court will adopt the Report and Recommendation.

**THEREFORE, IT IS HEREBY ORDERED** that the December 3, 2018, Report and Recommendation (ECF No. 7) is approved and adopted as the Opinion of the Court, and Petitioner's habeas petition (ECF No. 1) is **DENIED**.

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

A separate judgment will enter.

This case is **concluded**.

Dated: January 10, 2019

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