UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

RODRIGUEZ WHORTON

Petitioner,

v.

Case No. 10-13902 Hon. Lawrence P. Zatkoff

PAUL KLEE,

Respondent.

OPINION AND ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

This matter comes before the Court on the Magistrate Judge's Report and Recommendation [dkt 23], in which the Magistrate Judge recommends that the Court deny Petitioner's application for the writ of habeas corpus and deny Petitioner a certificate of appealability [dkt 1]. No objections were filed to the Magistrate's Report and Recommendation, and the time period in which to do so has elapsed. *See* Fed. R. Civ. P 72(b)(2).

The Court has thoroughly reviewed the court file and the Report and Recommendation. As a result of that review, the Court ADOPTS the Report and Recommendation and enters it as the findings and conclusions of this Court.

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Accordingly, IT IS HEREBY ORDERED that Petitioner's application for the writ of habeas corpus and certificate of appealability [dkt 1] is DENIED and this cause of action is DISMISSED WITH PREJUDICE.

IT IS SO ORDERED.

<u>S/Lawrence P. Zatkoff</u> Hon. Lawrence P. Zatkoff U.S. District Judge

Date: November 19, 2012