UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

PATRICK R. ASHLEY,

Petitioner,

-V-

9:12-CV-1703 (DNH/DEP)

**BRUCE S. YELICH** 

Respondent.

APPEARANCES:

OF COUNSEL:

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08-A-1195
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PAUL B. LYONS, ESQ. Ass't Attorney General

DAVID N. HURD United States District Judge

## **DECISION and ORDER**

Pro se petitioner Patrick R. Ashley brought this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On October 27, 2015, the Honorable David E. Peebles, United States Magistrate Judge, advised, by Report-Recommendation, that the petition be denied. Both petitioner and respondent timely filed objections to the Report-Recommendation. See ECF Nos. 42 & 43.

Based upon a de novo review of the portions of the Report-Recommendation to which petitioner and respondent objected, the Report-Recommendation is adopted in whole.

See 28 U.S.C. § 636(b)(1); Rule 10, Rules Governing Section 2254 Cases.

Therefore, it is

## ORDERED that

- 1. The petition for a writ of habeas corpus is **DENIED** and **DISMISSED**; and
- 2. The Clerk is directed to close the file.

Because petitioner has not made a substantial showing of the denial of any constitutional right, a certificate of appealability will not issue. <u>See</u> 28 U.S.C. § 2253. IT IS SO ORDERED.

United States District Judge

Dated: December 1, 2015

Utica, New York.