

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.

★ DEC 26 2012 ★

BROOKLYN OFFICE

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DOORGA OUTAR,

Petitioner,

v.

SIBATU KHAHAIFA,

Respondent.
-----X

MEMORANDUM & ORDER

10-CV-3956 (MKB)

MARGO K. BRODIE, United States District Judge:

Petitioner Doorga Outar brings the above-captioned *pro se* petition pursuant to 28 U.S.C. § 2254, in which he alleges that he is being held in state custody in violation of his federal constitutional rights. Petitioner's claims arise from a judgment of conviction after a jury trial in New York Supreme Court, Queens County, for first- and second-degree burglary, first-degree unlawful imprisonment, first- and second-degree criminal contempt, aggravated criminal contempt, third-degree assault, fourth-degree criminal mischief, and resisting arrest in 2007.¹

The Court referred Petitioner's claim to United States Magistrate Judge James Orenstein. By Report and Recommendation ("R&R") dated September 25, 2012, Magistrate Judge Orenstein recommended that the petition for writ of habeas corpus be denied. (Dkt No. 25.) No objections were filed.

A district court reviewing a magistrate judge's recommended ruling "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). "Failure to object to a magistrate judge's report and recommendation within the prescribed time limit 'may operate as a waiver of any further judicial review of the

¹ Petitioner was found not guilty of forcible touching, third-degree sexual abuse, and second-degree menacing.

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decision, as long as the parties receive clear notice of the consequences of their failure to object.”” *Sepe v. New York State Ins. Fund*, 466 F. App'x 49, 50 (2d Cir. 2012) (quoting *United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir.1997)).

This Court has reviewed the unopposed R&R, and, finding no clear error, the Court adopts Magistrate Judge Orenstein's R&R in its entirety pursuant to 28 U.S.C. § 636(b)(1). The petition for habeas corpus is denied and the Court will not issue a certificate of appealability. *See* 28 U.S.C. § 2253. It is further certified pursuant to 28 U.S.C. § 1915(a) that any appeal would not be taken in good faith. *Coppedge v. United States*, 369 U.S. 438 (1962). The Clerk of Court is directed to close the case.

SO ORDERED: _____

MARGO K. BRODIE
United States District Judge

Dated: December 21, 2012
Brooklyn, New York