

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

THOMAS D. SILVA,

Petitioner,

MEMORANDUM & ORDER
13-CV-3314 (MKB) (LB)

v.

HAROLD D. GRAHAM,

Respondent.

MARGO K. BRODIE, United States District Judge:

Petitioner Thomas D. Silva, proceeding *pro se*, filed the above-captioned petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 on June 6, 2013. (Pet. for Writ of Habeas Corpus, Docket Entry No. 1.) Petitioner's claim arose from a 2009 conviction in New York State Supreme Court, Kings County, following a bench trial convicting Petitioner of manslaughter in the first degree and assault in the second degree. (*Id.* at 1.) On March 12, 2014, the Court referred the petition to Magistrate Judge Lois Bloom for a report and recommendation in accordance with 28 U.S.C. § 636(b). (Order dated Mar. 12, 2014.) By report and recommendation dated August 14, 2014, Judge Bloom recommended that the Court deny the petition (the "R&R"). (R&R, Docket Entry No. 9.) No party has objected to the R&R.

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). "[F]ailure to object timely to a magistrate judge's report may operate as a waiver of any further judicial review of the decision, as long as the parties receive clear notice of the consequences of their failure to object." *Eustache v. Home Depot U.S.A., Inc.*, 621 F. App'x 86, 87 (2d Cir. 2015) (quoting *United States v. Male Juvenile*, 121 F.3d 34, 38

