

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CHRISTOPHER LLEWELLYN,

Petitioner,

-against-

MEMORANDUM & ORDER

14-CV-2446 (PKC)(LB)

PEOPLE OF THE STATE OF NEW YORK,

Respondent.

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PAMELA K. CHEN, United States District Judge:

On October 30, 2017, the Honorable Lois Bloom, United States Magistrate Judge, issued a Report and Recommendation (“Report”) in the above-captioned matter recommending that Petitioner’s petition for a writ of *habeas corpus*, pursuant to 28 U.S.C. § 2254, be denied. (Dkt. 32.) The Report stated that “[p]ursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure, the parties shall have 14 days from service of this Report and Recommendation to file written objections.” (*Id.*) Petitioner failed to file his objections by November 13, 2017 and the Court *sua sponte* granted an extension of time until January 5, 2018.

Despite the additional time, Petitioner has failed to file any objection to the Report, and, therefore, has waived any right to review by this Court. *See Thomas v. Arn*, 474 U.S. 140, 147-48 (1985); *Mario v. P & C Food Markets, Inc.*, 313 F.3d 758, 766 (2d Cir. 2002); *Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000). There has been no objection to the Report, and the Court discerns from the face of the record no clear error in its recommendations, which appear to be amply justified in the circumstances.

CONCLUSION

Accordingly, the Court hereby adopts the Report and, for the reasons set forth therein, dismisses the petition with prejudice. *See Porter v. Potter*, 219 F. App’x 112 (2d Cir. 2007)

(summary order). Because Petitioner has failed to make a substantial showing of the denial of any constitutional right, no certificate of appealability shall issue. *See* 28 U.S.C. § 2253(c)(2). Additionally, the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and, therefore, *in forma pauperis* status is denied for the purpose of appeal. *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962). The Clerk of Court is respectfully requested to enter judgment and terminate this case accordingly.

SO ORDERED.

/s/Pamela K. Chen
PAMELA K. CHEN
United States District Judge

Dated: Brooklyn, New York
January 29, 2018