

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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DONNELL BLUDSON,

Petitioner,

-v.-

Civil Action No.  
9:06-cv-474 (GLS/RFT)

SUPERINTENDENT,

Respondent.  
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APPEARANCES:

OF COUNSEL:

**FOR THE PETITIONER:**

DONNELL BLUDSON  
Petitioner, *Pro Se*  
99-B-0477  
Green Haven Correctional Facility  
P.O. Box 4000  
Stormville, New York 12582

**FOR THE RESPONDENT:**

HON. ANDREW M. CUOMO  
Attorney General for the  
State of New York  
120 Broadway  
New York, New York 10271

ASHLYN H. DANNELLY  
Assistant Attorney General

GARY L. SHARPE,  
U.S. DISTRICT JUDGE

## ORDER

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge Randolph F. Treece, duly filed February 23, 2009. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

ORDERED, that the Report-Recommendation of Magistrate Judge Randolph F. Treece filed February 23, 2009 is ACCEPTED in its entirety for the reasons state therein, and it is further

ORDERED, that the Petition for a Writ of *Habeas Corpus* is DENIED, and it is further

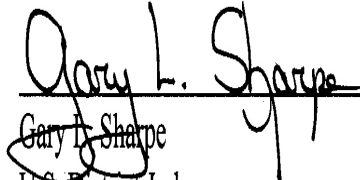
ORDERED, that because the Court finds Petitioner has not made a "substantial showing of the denial of a constitutional right" pursuant to 28 U.S.C. § 2253(c)(2), no certificate of appealability will be issued with respect to any of Petitioner's claims. See 28 U.S.C. § 2253(c)(2) ("A certificate of appealability may issue...only if the applicant has made a substantial showing of a denial of a constitutional right."); see also *Lucidore v. New York State Div. of Parole*, 209 F. 3d 107, 112 (2d Cir. 2000) cert. denied 531 U.S.

873 (2000); and it is further

ORDERED, that the Clerk of the Court is directed to close this case.

IT IS SO ORDERED

Dated: March 16, 2009  
Albany, New York

  
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Gary L. Sharpe  
U.S. District Judge