

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

MUHAMMAD RIVERS,

Petitioner,

V.

9:08-CV-0107

JOSEPH COSTELLO,

Respondent.

**THOMAS J. McAVOY,
Senior United States District Judge**

DECISION & ORDER

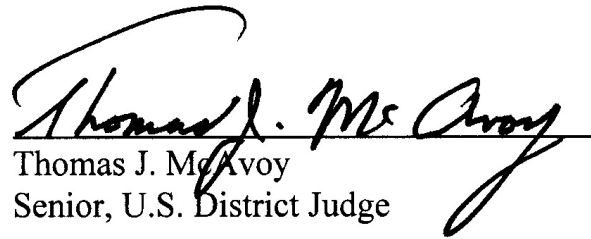
This *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 was referred to the Hon. Randolh F. Treece, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.4.

No objections to the Report and Recommendation and Order dated September 9, 2011 have been filed. After examining the record, this Court has determined that the Report and Recommendation is not subject to attack for plain error or manifest injustice. Accordingly, this Court adopts the Report and Recommendation for the reasons stated therein. This Court further agrees that a Certificate of Appealability is not warranted.

It is therefore **ORDERED** that the petition for a writ of habeas corpus is **DENIED** and **DISMISSED**. Because there is no substantial showing of the denial of a constitutional right, a certificate of appealability is also **DENIED**.

IT IS SO ORDERED.

Dated: September 30, 2011


Thomas J. McAvoy
Senior, U.S. District Judge