

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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ANTHONY A. DeVIVO,  
Petitioner,  
Vs

9:08-CV-673

UNITED STATES PROBATION OFFICE,  
Respondent.  
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APPEARANCES:

OF COUNSEL:

ANTHONY A. DeVIVO  
Petitioner, Pro Se  
99-B-1896  
Marcy Correctional Facility  
Box 3600  
Marcy, NY 13403

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Asst. Attorney General

HON. ANDREW M. CUOMO  
Attorney General of the  
State of New York  
Attorney for Respondent  
Department of Law  
100 South Clinton Street  
Syracuse, NY 13261-7198

DAVID N. HURD  
United States District Judge

**ORDER**

Petitioner, Anthony A. DeVivo, brought this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. By Report-Recommendation dated July 20, 2009, the Honorable Randolph F. Treece, United States Magistrate Judge, recommended that the petition for a writ of habeas corpus (Docket No. 1) be denied. The Magistrate Judge also recommended that a certificate of appealability not issue with respect to any of petitioner's claims. No objections to the Report-Recommendation have been filed.

Based upon a careful review of the entire file and the recommendations of Magistrate Judge Treece, the Report-Recommendation is accepted and adopted in whole.

See 28 U.S.C. 636(b)(1).

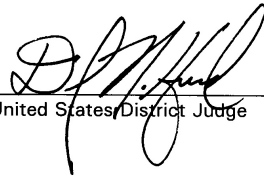
Accordingly, it is

ORDERED that

1. The petition is DENIED;
2. The petition is DISMISSED in all respects;
3. A Certificate of Appealability will not be issued.

The Clerk is directed to enter judgment accordingly and close the file.

IT IS SO ORDERED.



United States District Judge

Dated: September 4, 2009  
Utica, New York.