

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MARCOS GARCIA,

Petitioner,

-against-

9:08-CV-0736 (LEK/RFT)

PAUL ANNETTS, Superintendent,

Respondent.

DECISION and ORDER

This matter comes before the Court following a Report-Recommendation filed on September 1, 2011 by the Honorable Randolph F. Treece, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. (Dkt. No. 17).

Within fourteen days after a party has been served with a copy of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," FED. R. CIV. P. 72(b), in compliance with L.R. 72.1. No objections have been raised in the allotted time with respect to Magistrate Judge Treece's Report-Recommendation.¹ Furthermore, after examining the record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

¹ The copy of the Report-Recommendation served on Petitioner's last known address was returned as undeliverable. See Dkt. No. 18. However, all litigants have a duty to inform the court of any address changes, and Petitioner was clearly advised of this duty. See Dkt. No. 3 at 3 ("Petitioner is also required to promptly notify the Clerk's Office and counsel for the respondent of any change in his address; his failure to do same will result in the dismissal of the instant action."); see also N.D.L.R. 10.1(c)(2); Dansby v. Albany Cty. Corr. Facility, No. 95-CV-1525, 1996 WL 172699, at *1 (N.D.N.Y. Apr. 10, 1996) ("It is incumbent upon litigants to inform the clerk of address changes, for it is manifest that communications between the clerk and the parties or their counsel will be conducted principally by mail.").

Accordingly; it is hereby:

ORDERED, that the Report-Recommendation (Dkt. No. 17) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

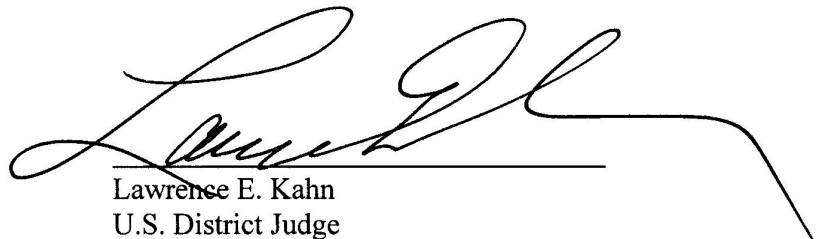
ORDERED, that the Petition for a writ of habeas corpus (Dkt. No. 1) is **DENIED**; and it is further

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 should issue with respect to any of Petitioner’s claims; and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: October 11, 2011
 Albany, New York



Lawrence E. Kahn
U.S. District Judge