

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

**ANPU UNNEFER AMEN, also known as
James Taylor,**

Petitioner,

v.

**9:10-CV-1028
(FJS/TWD)**

THOMAS LAVALLEY,

Respondent.

APPEARANCES

OF COUNSEL

ANPU UNNEFER AMEN

07-R-3460

Collins Correctional Facility

P.O. Box 340

Collins, New York 14034

Petitioner *pro se*

**OFFICE OF THE NEW YORK
STATE ATTORNEY GENERAL**

120 Broadway

New York, New York 10271

Attorneys for Respondent

PRISCILLA I. STEWARD, AAG

SCULLIN, Senior Judge

ORDER

Petitioner commenced this habeas corpus proceeding, pursuant to 28 U.S.C. § 2254, challenging his conviction. *See* Dkt. No. 1. On September 30, 2013, Magistrate Judge Dancks issued a Report-Recommendation and Order, in which she recommended that the Court deny and dismiss the petition. *See* Dkt. No. 25. Petitioner filed objections to those recommendations. *See* Dkt. No. 26.

In reviewing a magistrate judge's report-recommendation, the district court may decide to accept, reject or modify the recommendations therein. *See* 28 U.S.C. § 636(b)(1). The court conducts a *de novo* review of the magistrate judge's recommendations to which a party objects. *See Pizzaro v. Bartlett*, 776 F. Supp. 815, 817 (S.D.N.Y. 1991). ""If, however, the party makes only conclusory or general objections, or simply reiterates his original arguments, the Court reviews the Report and Recommendation only for clear error."" *Salmini v. Astrue*, No. 3:06-CV-458, 2009 WL 1794741, *1 (N.D.N.Y. June 23, 2009) (quoting [*Farid v. Bouey*, 554 F. Supp. 2d 301] at 306 [(N.D.N.Y. 2008)] (quoting *McAllan v. Von Essen*, 517 F. Supp. 2d 672, 679 (S.D.N.Y. 2007))). Finally, even if the parties file no objections, the court must ensure that the face of the record contains no clear error. *See Wilds v. United Parcel Serv., Inc.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003) (quotation omitted).

The Court has conducted a *de novo* review of Magistrate Judge Dancks' September 30, 2013 Report-Recommendation and Order in light of Petitioner's objections and concludes that Petitioner's arguments are without merit.¹ Accordingly, the Court hereby

ORDERS that Magistrate Judge Dancks' September 30, 2013 Report-Recommendation and Order is **ACCEPTED in its entirety** for the reasons stated therein; and the Court further

ORDERS that Petitioner's petition is **DENIED and DISMISSED in its entirety**; and the Court further

ORDERS that no certificate of appealability shall issue in this case because Petitioner has failed to make a "substantial showing of the denial of a constitutional right" pursuant to 28

¹ The Court notes, by way of example, that *Sudler v. City of New York*, 689 F.3d 159 (2d Cir. 2012), on which Petitioner relies as a basis for one of his arguments is factually and legally distinguishable from this case.

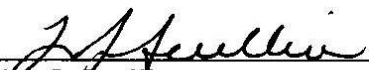
U.S.C. § 2253(c)(2); and the Court further

ORDERS that the Clerk of the Court shall enter judgment and close this case; and the Court further

ORDERS that the Clerk of the Court shall serve a copy of this Order on the parties in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: September 25, 2014
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge