

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MATTHEW PITT

Petitioner,

-v.-

Civil Action No.
9:10-cv-1233 (GLS/RFT)

R. RABIDUEA

Respondent.

APPEARANCES:

OF COUNSEL:

FOR THE PETITIONER:

MATTHEW PITT
Pro Se
05-B-2870
Mohawk Correctional Facility
P.O. Box 8451
Rome, New York 13440

FOR THE RESPONDENT:

HON. ERIC T. SCHNEIDERMAN
Attorney General for the State of
New York
120 Broadway
New York, New York 10271

PAUL M. TARR, ESQ.

GARY L. SHARPE,
CHIEF JUDGE

ORDER

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge Randolph F. Treece, duly filed July 19, 2013. 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 July 19, 2013 (Dkt. No. 21) is ACCEPTED in its entirety for the reasons state therein; and it is further

ORDERED, that the Petition (Dkt. No. 1) is DENIED in its entirety; and it is further

ORDERED, that because the Court finds the 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 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 the 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 to mail copies of the Order to the parties in accordance with the court's local rules.

IT IS SO ORDERED.

Dated: August 16, 2013
Albany, New York



Gary L. Sharpe
Chief Judge
U.S. District Court