

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

---

DELAMAR BROWN

Petitioner,

-v.-

Civil Action No.  
9:11-cv-972 (GLS/CFH)

M. BRADT, Superintendent

Defendant.

---

APPEARANCES:

OF COUNSEL:

**FOR THE PETITIONER:**

DELAMAR BROWN  
06-B-2999  
Petitioner Pro Se  
Green Haven Correctional Facility  
P.O. Box 4000  
Stormville, New York 12582

**FOR THE RESPONDENT:**

HON. ERIC T. SCHNEIDERMAN  
Attorney General for the  
State of New York  
The Capitol  
Albany, New York 12224-0341

PAUL M. TARR, ESQ.  
Assistant Attorney General

GARY L. SHARPE,  
CHIEF JUDGE

**ORDER**

The above-captioned matter comes to this court following a Report-

Recommendation by Magistrate Judge Christian F. Hummel, duly filed March 25, 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 Christian F. Hummel filed March 25, 2013 is ACCEPTED in its entirety for the reasons state therein, and it is further

ORDERED, that Brown's petition for a writ of habeas corpus (Dkt. NO. 1) is DENIED, and it is further

ORDERED, that no certificate of appealability should be issued with respect to any of Brown's claims as Brown has not made a "substantial showing of the denial of a constitutional right" pursuant to 28 U.S.C. § 2253(c)(2). 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).; 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: April 16, 2013  
Albany, New York

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