

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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DAVID McCULLOUGH,

Petitioner,

-v-

9:11-CV-1112

NYS DIVISION OF PAROLE,

Respondent.

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APPEARANCES:

OF COUNSEL:

DAVID McCULLOUGH  
Petitioner Pro Se  
2500 South Salina St  
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HON. ERIC T. SCHNEIDERMAN  
Attorney General for the State of New York  
Attorney for Defendants  
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THOMAS B. LITSKY, ESQ.  
Ass't Attorney General

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Pro se petitioner David McCullough brought this petition for habeas relief pursuant to 28 U.S.C. § 2254. On March 23, 2015, the Honorable David E. Peebles, United States Magistrate Judge, advised, by Report-Recommendation, that the petition be dismissed and no certificate of appealability be issued. No objections to the Report-Recommendation were filed.

Based upon a careful review of entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1).

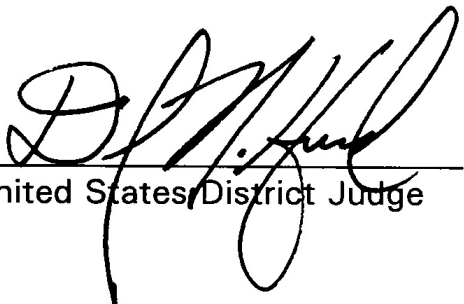
Therefore, it is

ORDERED that

1. The petition for a writ of habeas corpus is DENIED and DISMISSED;
2. Because petitioner has not made a substantial showing of the denial of any constitutional right, a certificate of appealability will not issue. See 28 U.S.C. § 2253; and
3. The Clerk serve a copy of this Decision and Order on the parties in accordance with the Local Rules, enter judgment accordingly, and close the file.

IT IS SO ORDERED.

Dated: April 15, 2015  
Utica, New York.



United States District Judge