

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

**JUDGMENT IN A CIVIL CASE**

**GARY ALFORD,**

**vs.**

**CASE NUMBER: 9:11-CV-01316 GTS-ATB**

**JOHN LEMPKE,**

**Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED : Pursuant to the Decision and Order of the Honorable Glenn T. Suddaby, United States District Court Judge, dated the 25th day of February, 2014 that Magistrate Judge Baxter's Report-Recommendation (Dkt. No. 16) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further **ORDERED** that the Petition (Dkt. No. 1 ) in this matter is **DENIED** and **DISMISSED**; and it is further **ORDERED** that a certificate of appealability not issue with respect to any of the claims set forth in the Petition as Petitioner has not made a "substantial showing of the denial of a constitutional right" pursuant to 28 U.S.C. § 2253(c)(2).

DATED: February 25, 2014

  
Clerk of Court

ENTERED 2/25/2014  
BY PTM

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P.T. McBrearty  
Deputy Clerk