

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

THEODORE PRICE,

Plaintiff,

-v-

9:12-CV-1546

SUPERINTENDENT, Great Meadow
Correctional Facility

Defendant.

APPEARANCES:

OF COUNSEL:

THEODORE PRICE
Plaintiff pro se
11-B-2790
Great Meadow Correctional Facility
Box 51
Comstock, NY 12821

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

PAUL B. LYONS, ESQ.
Ass't Attorney General

DAVID N. HURD
United States District Judge

DECISION and ORDER

Petitioner Theodore Price brought this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On August 22, 2013, the Honorable Andrew T. Baxter, United States Magistrate Judge, advised, by Report-Recommendation, that the petition be denied and dismissed. Petitioner timely filed objections to the Report-Recommendation.

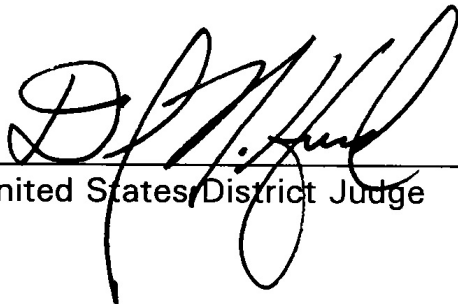
Based upon a de novo determination of the portions of the Report-Recommendation to which petitioner objected, the Report-Recommendation is adopted in whole. See 28 U.S.C. § 636(b)(1); Rule 10, Rules Governing Section 2254 Cases.

Therefore, it is

ORDERED that the petition for a writ of habeas corpus is DENIED and DISMISSED.

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.

IT IS SO ORDERED.



United States District Judge

Dated: September 19, 2013
Utica, New York.