

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JORGE DENIS,

Petitioner,

-v-

9:12-CV-1562

DAVID M. UNGER, Superintendent,

Respondent.

APPEARANCES:

OF COUNSEL:

JORGE DENIS
Plaintiff pro se
04-B-2782
Wyoming Correctional Facility
P.O. Box 501
Attica, NY 14011

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LISA E. FLEISCHMANN, ESQ.
Ass't Attorney General

DAVID N. HURD
United States District Judge

DECISION and ORDER

Petitioner Jorge Denis brought this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On August 6, 2013, the Honorable Andrew T. Baxter, United States Magistrate Judge, advised, by Report-Recommendation, that the petition be denied and dismissed. No objections to the Report-Recommendation were filed.

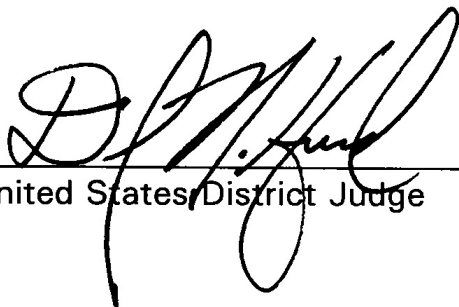
Based upon a careful review of entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1); Rule 10, Rules Governing Section 2254 Cases.

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.