

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

BRENDA SNYDER,

Petitioner,

v.

9:13-CV-1041 (BKS/RFT)

SABINA KAPLAN,

Respondent.

APPEARANCES:

Brenda Snyder, Petitioner Pro Se
01-G-0853
Bedford Hills Correctional Facility
247 Harris Road
Bedford Hills, NY 10507

Hon. Eric T. Schneiderman
New York State Attorney General
Paul B. Lyons, Esq., Assistant Attorney General
120 Broadway
New York, NY 10271
For Respondent

Hon. Brenda K. Sannes, United States District Court Judge

ORDER

On August 26, 2013, petitioner Brenda Snyder filed a petition under 28 U.S.C. § 2254 for a writ of habeas corpus challenging a 2001 judgment of conviction in Franklin County Court for second degree murder, first degree assault (four counts) and first degree reckless endangerment (eight counts). (Dkt. No. 1). Respondent filed an answer to the petition, with a supporting memorandum of law, and the state court record; and petitioner filed a traverse. (Dkt. Nos. 13-17, 19). The petition was referred to United States Magistrate Judge Randolph F. Treece who, on

July 15, 2015, issued a Report-Recommendation and Order, recommending that the petition be denied in its entirety. (Dkt. No. 21). Magistrate Judge Treece advised the parties that they had fourteen days to file written objections to the report and that the failure to object within fourteen days would preclude appellate review. (Dkt. No. 21, p. 17-18). A copy of the Report-Recommendation and Order was served on petitioner by regular mail on July 15, 2015, and no objections to the Report-Recommendation have been filed. (Dkt. No. 21).

Since no objections to the Report-Recommendation have been filed and the time for filing objections has expired, the Court has reviewed the Report-Recommendation for clear error. *See Petersen v. Astrue*, 2 F. Supp. 3d 223, 228-29 (N.D.N.Y. 2012); Fed. R. Civ. P. 72(b) advisory committee's note to the 1983 addition. Under this standard, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.* Having reviewed the Report-Recommendation and having found no clear error, it is hereby:

ORDERED that the Report-Recommendation (Dkt. No. 21) is **ADOPTED** in its entirety for the reasons stated therein; and it is further

ORDERED that the petition (Dkt. No. 1) is **DENIED** and **DISMISSED** in its entirety; and it is further

ORDERED that, because petitioner has failed to make a substantial showing of the denial of a constitutional right, no certificate of appealability shall issue under 28 U.S.C. § 2253(c)(2); and it is further

ORDERED that the Clerk shall close this case; and it is further

ORDERED that the Clerk of the Court shall serve a copy of this Order on petitioner in accordance with the local rules.

IT IS SO ORDERED.

Dated: August 10, 2015

A handwritten signature in black ink that reads "Brenda K. Sannes". The signature is written in a cursive style with a horizontal line underneath the name.

Brenda K. Sannes
U.S. District Judge