

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

BRYON K. RUSS, SR.,

Petitioner,

-v-

9:13-CV-1270

BRIAN FISCHER, Commissioner of
Corrections,

Respondent.

APPEARANCES:

OF COUNSEL:

BRYON K. RUSS, SR.
01-B-0452
Petitioner pro se
Clinton Correctional Facility
P.O. Box 2002
Dannemora, NY 12929

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

DAVID N. HURD
United States District Judge

DECISION and ORDER

Petitioner Bryon K. Russ, Sr. brought this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On June 9, 2014, the Honorable Christian F. Hummel, United States Magistrate Judge, advised, by Report-Recommendation, that the petition be denied

and dismissed. Petitioner timely filed objections to the Report-Recommendation. Respondent filed a letter brief urging adoption of the Report-Recommendation.

Based upon a de novo review 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.

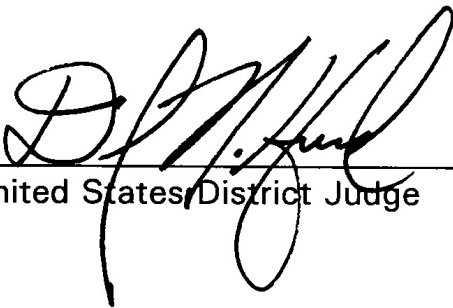
Therefore, it is

ORDERED that

1. The petition for a writ of habeas corpus is DENIED and DISMISSED; and
2. The Clerk is directed to close the file.

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: July 8, 2014
Utica, New York.