

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

EDWARD REED,

Petitioner,

v.

**9:15-CV-1169
(FJS/CFH)**

**HAROLD GRAHAM, Superintendent,
Auburn Correctional Facility,**

Respondent.

APPEARANCES

OF COUNSEL

EDWARD REED

07-A-0202

Auburn Correctional Facility

P.O. Box 618

Auburn, New York 13021

Petitioner *pro se*

**OFFICE OF THE NEW YORK
STATE ATTORNEY GENERAL**

120 Broadway

New York, New York 10271

Attorneys for Respondent

PAUL B. LYONS, AAG

SCULLIN, Senior Judge

ORDER

On September 30, 2015, Petitioner filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging a judgment of conviction rendered on January 3, 2007, after a jury trial in Onondaga County Court. *See* Dkt. No. 1. Respondent filed an answer to the petition as well as a memorandum of law in opposition to the petition and the relevant state-court records. *See* Dkt. Nos. 11-13. Petitioner filed a traverse in further support of his petition. *See* Dkt. No. 14.

The Court referred the matter to Magistrate Judge Hummel for a report and recommendation. In a Report-Recommendation and Order dated May 24, 2017, Magistrate Judge Hummel recommended that the Court deny the petition and not issue a Certificate of Appealability. *See, generally* Dkt. No. 20. Although the Court granted Petitioner's request for an extension of time to file objections, *see* Dkt. No. 21, he did not file any.

When a party does not object to a magistrate judge's report-recommendation, the court reviews that report-recommendation for clear error or manifest injustice. *See Linares v. Mahunik*, No. 9:05-CV-625, 2009 WL 3165660, *10 (N.D.N.Y. July 16, 2009) (citation and footnote omitted). After conducting that review, "the Court may 'accept, reject, or modify, in whole or in part, the . . . recommendations made by the magistrate judge.'" *Id.* (quoting 28 U.S.C. § 636(b)(1)(C)).

The Court has reviewed Magistrate Judge Hummel's May 24, 2017 Report-Recommendation and Order for clear error and manifest injustice; and, finding none, the Court hereby

ORDERS that Magistrate Judge Hummel's May 24, 2017 Report-Recommendation and Order is **ACCEPTED in its entirety** for the reasons stated therein; and the Court further

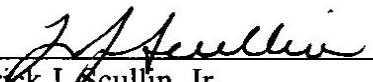
ORDERS that Petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, *see* Dkt. No. 1, is **DENIED**; and the Court further

ORDERS that no Certificate of Appealability shall be issued with regard to any of

Petitioner's claims because he has not made a "substantial showing of the denial of a constitutional right" as 28 U.S.C. § 2253(c)(2) requires. *See* 28 U.S.C. § 2253(c)(2) (providing that "[a] certificate of appealability may issue . . . only if the applicant has made a substantial showing of the denial of a constitutional right").

IT IS SO ORDERED.

Dated: July 7, 2017
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Judge