

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

LASHORN SPARROW,

Petitioner,

vs.

**9:16-CV-204
(TJM/ATB)**

THOMAS R. GRIFFIN,

Respondent.

**Thomas J. McAvoy,
Sr. U.S. District Judge**

DECISION & ORDER

This *pro se* civil action, seeking a writ of *habeas corpus* pursuant to 28 U.S.C. § 2254, was referred to the Hon. Andrew T. Baxter, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

The Report-Recommendation, dated April 6, 2017, recommends that the petition be denied and dismissed and that the Court decline to issue a certificate of appealability. See dk. # 18. The Magistrate Judge found that none of the grounds Petitioner stated for overturning his state-law conviction had merit.

Petitioner filed objections to the Report-Recommendation. See dk. # 21. When objections to a magistrate judge's Report-Recommendation are lodged, the Court makes a "*de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." See 28 U.S.C. § 636(b)(1). After such a

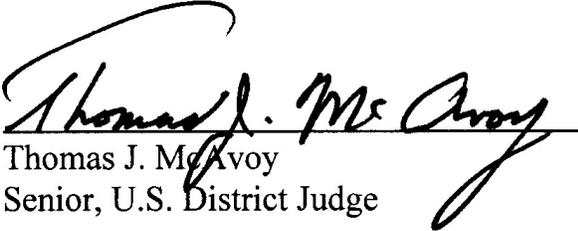
review, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge may also receive further evidence or recommit the matter to the magistrate judge with instructions.” Id.

Having reviewed the record *de novo* and having considered the issues raised in the Petitioner’s objections, the Court has determined to accept and adopt the recommendation of Magistrate Judge Baxter for the reasons stated in the Report-Recommendation.

Therefore, the Plaintiff’s objections to the Report-Recommendation of Magistrate Judge Baxter, Dkt. # 21, are hereby **OVERRULED**. The Report-Recommendation, Dkt. # 18, is hereby **ADOPTED**, and:

1. The Petition for a writ of *habeas corpus* is hereby DENIED and DISMISSED;
and
2. The Court declines to issue a certificate of appealability.

IT IS SO ORDERED.


Thomas J. McAvoy
Senior, U.S. District Judge

Dated: July 7, 2017