

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

BRENDON ANDERSON,

Petitioner,

-v-

9:16-cv-208
(DNH/CFH)

S. RACETTE, Superintendent, Upstate
Correctional Facility,

Respondent.

APPEARANCES:

OF COUNSEL:

BRENDON ANDERSON
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11-A-1817
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Ass't Attorneys General

DAVID N. HURD
United States District Judge

DECISION and ORDER

Pro se petitioner Brendon Anderson brought this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On May 16, 2017, the Honorable Christian F. Hummel, United States Magistrate Judge, advised, by Report-Recommendation, that the petition be denied and dismissed and that no certificate of appealability be issued. Petitioner

filed untimely objections to the Report-Recommendation. Though late, petitioner's objections have been considered.

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.

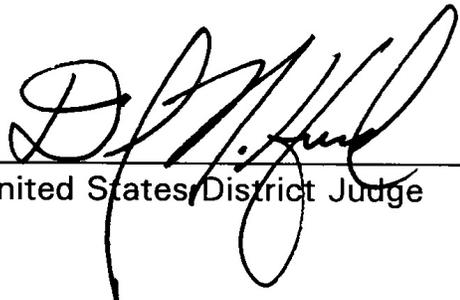
Therefore, it is

ORDERED that

The petition for a writ of habeas corpus is DENIED and DISMISSED.

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 6, 2017
Utica, New York.