

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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JAMISON ADSIT,

Petitioner,

v.

9:16-CV-0817  
(GTS/CFH)

ANTHONY J. ANNUCCI, Acting Comm'r  
of DOCCS; and TINA M. STANFORD,  
Chairwoman of the NYS Board of Parole,

Respondents.

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APPEARANCES:

THE ABBATOY LAW FIRM, PLLC  
Counsel for Petitioner  
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HON. ERIC T. SCHNEIDERMAN  
Attorney General for the State of New York  
Counsel for Respondent  
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OF COUNSEL:

DAVID MICHAEL ABBATOY, ESQ.

PAUL B. LYONS, ESQ.  
Assistant Attorney General

GLENN T. SUDDABY, Chief United States District Judge

**DECISION and ORDER**

Currently before the Court, in this habeas corpus proceeding filed by Jamison Adsit (“Petitioner”) pursuant to 28 U.S.C. § 2254, is the Report-Recommendation of United States Magistrate Judge Christian F. Hummel recommending that the Petition be denied pursuant to 28 U.S.C. § 2253(c)(2), and that a certificate of appealability not issue. (Dkt. No. 33.) Petitioner has not filed an objection to the Report-Recommendation, and the time in which to do so has expired. (*See generally* Docket Sheet.) After carefully considering the matter, the Court can

find no clear error<sup>1</sup> in the thorough Report-Recommendation of Magistrate Judge Hummel: Magistrate Judge Hummel employed the proper legal standards, accurately recited the facts, and correctly applied the law to those facts. (Dkt. No. 33, at Parts I-II.) As a result, the Court accepts and adopts Magistrate Judge Hummel's Report-Recommendation in its entirety for the reasons stated therein.

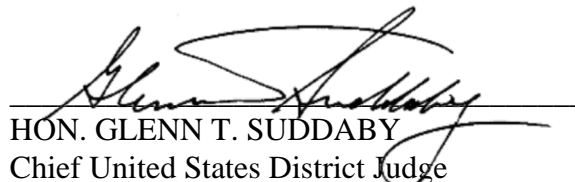
**ACCORDINGLY**, it is

**ORDERED** that Magistrate Judge Hummel's Report-Recommendation (Dkt. No. 33) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

**ORDERED** that the Petition (Dkt. No. 1) in this matter is **DENIED** and **DISMISSED**; and it is further

**ORDERED** that a certificate of appealability not issue with respect to any of the claims set forth in the Petition, because Petitioner has not made a "substantial showing of the denial of a constitutional right" pursuant to 28 U.S.C. § 2253(c)(2).

Dated: March 5, 2018  
Syracuse, New York

  
HON. GLENN T. SUDDABY  
Chief United States District Judge

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<sup>1</sup> When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a clear-error review, "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.*; see also *Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at \*1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) ("I am permitted to adopt those sections of [a magistrate judge's] report to which no specific objection is made, so long as those sections are not facially erroneous.") (internal quotation marks omitted).