

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ANTHONY RUFFIN,

Petitioner,

-v-

9:18-CV-61
(DNH/ATB)

SUPERINTENDENT,

Respondent.

APPEARANCES:

ANTHONY RUFFIN

Petitioner pro se

10-B-0042

Elmira Correctional Facility

P.O. Box 500

Elmira, NY 14902

HON. LETITIA JAMES

Attorney General for the State of New York

Attorney for Respondent

28 Liberty Street

New York, NY 10005

MATTHEW B. KELLER, ESQ.

Ass't Attorney General

DAVID N. HURD

United States District Judge

DECISION and ORDER

Pro se petitioner Anthony Ruffin brought this petition for habeas relief pursuant to 28 U.S.C. § 2254. On April 5, 2019, the Honorable Andrew T. Baxter, United States Magistrate Judge, advised, by Report-Recommendation, that the petition be dismissed and no certificate of appealability be issued. No objections to the Report-Recommendation were filed.

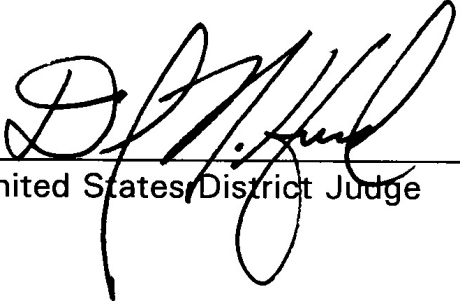
Based upon a careful review of entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1).

Therefore, it is

ORDERED that

1. The petition for a writ of habeas corpus is DENIED and DISMISSED;
2. 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; and
3. The Clerk serve a copy of this Decision and Order on the parties in accordance with the Local Rules, enter judgment accordingly, and close the file.

IT IS SO ORDERED.



United States District Judge

Dated: April 30, 2019
Utica, New York.