

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**
DANIELLE RUTIGLIANO,

Petitioner,

**9:19-cv-745
(GLS/ML)**

v.

A. LaMANNA,

Respondent.

APPEARANCES:

OF COUNSEL:

FOR THE PETITIONER:

Danielle Rutigliano
Pro Se
16-G-0414
Bedford Hills Correctional Facility
247 Harris Road
Bedford Hills, NY 10507

FOR THE RESPONDENT:

HON. LETITIA JAMES
New York Attorney General
28 Liberty Street
New York, NY 10005

MICHELLE ELAINE MAEROV
Assistant Attorney General

Gary L. Sharpe
Senior District Judge

ORDER

On August 29, 2022, the court ordered petitioner to notify the court of her current address and/or verify that her mailing address is as listed in the caption of this Order, and file any objections to Magistrate Judge Mirsolav

Lovric's Report-Recommendation (R&R) by September 12, 2022 . (Dkt. No. 23.) The court warned petitioner that her failure to comply with the August 29, 2022 Decision and Order would result in dismissal, and a copy of the Order was sent to petitioner's last known address. (*Id.*) Petitioner has failed to so notify the court of her current address and did not object to R&R.

Having review the R&R for clear error and finding none, see *Almonte v. N.Y. State Div. of Parole*, No. Civ. 904CV484, 2006 WL 149049, at *5-*6 (N.D.N.Y. Jan. 18, 2006), it is adopted in its entirety. Moreover, dismissal is warranted, consistent with the August 29, 2022 Decision and Order, for petitioner's failure to notify the court of her change of address, prosecute, and comply with that Decision and Order.

Accordingly, it is hereby

ORDERED that the Report-Recommendation (Dkt. No. 21) is **ADOPTED** in its entirety ; and it is further

ORDERED that the petition (Dkt. No. 1) is **DENIED** and **DISMISSED**; and it is further

ORDERED that no certificate of appealability shall issue because petitioner has failed to make a "substantial showing of the denial of a

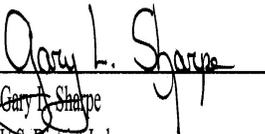
constitutional right” as required by 28 U.S.C. § 2253(c)(2); and it is further

ORDERED that the Clerk close this case; and it is further

ORDERED that the Clerk serve this Order on petitioner at her last

known address and on all other parties in accordance with the Local Rules of Practice.

September 19, 2022
Albany, New York


Gary L. Sharpe
U.S. District Judge