

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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EQUARN WHITE,

Plaintiff,

-v-

9:19-CV-1066

WARDEN,

Defendant.

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APPEARANCES:

OF COUNSEL:

EQUARN WHITE  
Plaintiff, Pro Se  
1412100363  
West Facility (WF)  
16-06 Hazen Street  
East Elmhurst, NY 11370

HON. LETITIA JAMES  
New York State Attorney General  
Attorneys for Defendants  
28 Liberty Street  
New York, NY 10005

LISA E. FLEISCHMANN, ESQ.  
Ass't Attorney General

DAVID N. HURD  
United States District Judge

**ORDER ON REPORT & RECOMMENDATION**

On August 26, 2019, *pro se* petitioner Equarn White (“petitioner”), then an inmate in the custody of the New York State Department of Corrections and

Community Supervision (“DOCCS”) at Clinton Correctional Facility (“Clinton C.F.”), filed this habeas corpus action alleging that he was denied the right to appeal in certain civil proceedings, that DOCCS officials failed to follow lawful procedures regarding referral to a treatment program, and that DOCCS officials retaliated against him for grievances he filed against them. Dkt. Nos. 1, 8.

On August 16, 2021, U.S. Magistrate Judge Daniel J. Stewart advised by Report & Recommendation (“R&R”) that petitioner’s petition should be denied and dismissed. Dkt. No. 19. Neither party has filed objections, and the time period in which to do so has expired. *See id.* Upon review for clear error, the Report & Recommendation will be accepted and adopted in all respects. *See* FED. R. CIV. P. 72(b).

Therefore, it is

ORDERED that

1. The Report & Recommendation is ADOPTED;
2. Petitioner’s petition is DENIED and DISMISSED; and
3. 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).

The Clerk of the Court is directed to enter a judgment accordingly and close the file.

IT IS SO ORDERED.

Dated: September 7, 2021  
Utica, New York.



David N. Hurd  
U.S. District Judge