

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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 MAURICE CLARKE, :  
 :  
                   Petitioner, :  
 :  
       -against- :  
 :  
 UNITED STATES OF AMERICA, :  
 :  
                   Respondent. :  
 :  
 -----X

13 Civ. 0126 (LAP)

ORDER

Loretta A. Preska, Senior United States District Judge:

      Petitioner Maurice Clarke, proceeding pro se, filed a petition to vacate, set aside, or correct his sentence pursuant to 26 U.S.C. § 2254 on January 7, 2013. (Mot., Jan. 1, 2013, ECF No. 1). Before the Court is the Report and Recommendation ("R&R") of United States Magistrate Judge Henry Pitman, issued on April 10, 2017. (R&R, Apr. 10, 2017, ECF No. 17). Copies of the R&R were mailed to Petitioner. (R&R at 13).

      The R&R advised the parties that specific written objections were due within fourteen days after being served with the R&R. (R&R at 11-12). No objections to the R&R have been filed to date by any party and the time to do so has expired.

      For the purposes of this order, the Court assumes familiarity with the underlying facts and analysis as set forth in Magistrate Judge Pitman's R&R. With regard to an R&R that is not objected to, or the unobjected-to portion of an R&R, a

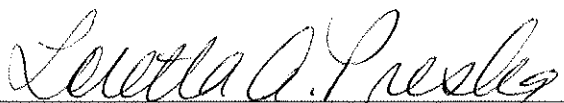
district court reviews the R&R for clear error. DiPilato v. 7-Eleven, Inc., 662 F. Supp. 2d 333, 339 (S.D.N.Y. 2009). Because Petitioner has not submitted objections to the R&R, the Court applies the clear error standard.

The Court has carefully reviewed the thorough and well-reasoned R&R and finds that there is no clear error of law. Accordingly, the Court adopts the R&R in its entirety. The petition for a writ of habeas corpus is denied and the Clerk of the Court is directed to close the case. Because Petitioner has not made a substantial showing of the denial of a federal right, the Court declines to issue a certificate of appealability. 28 U.S.C. § 2253. Furthermore, Petitioner has waived his right to appeal because he has not filed any objections to the R&R. (R&R at 12).

The Clerk's Office is directed to mail a copy of this Order to Petitioner at his last known address: Maurice Clarke, 53988-054, Federal Correction Complex (Med), Post Office Box 5000, Yazoo City, MS 39194-5888.

SO ORDERED.

Dated: New York, New York  
May 15, 2017

  
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LORETTA A. PRESKA  
Senior United States District Judge