

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
NATHANIEL SLATER,

Petitioner,

-v-

UNITED STATES OF AMERICA,

Respondent.
----- x

04 (12) 048-36 (JSK)

13 Civ. 670 (JSR)

ORDER

8/18/16

JED S. RAKOFF, U.S.D.J.

On June 23, 2016, the Honorable Frank Maas, United States Magistrate Judge, issued a Report and Recommendation in the above-captioned action recommending the denial of petitioner Nathaniel Slater's petition filed pursuant to 28 U.S.C. § 2255. Petitioner, proceeding pro se, filed objections to certain portions of the Report and Recommendation on July 13, 2016 -- two days after the deadline prescribed by 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure. Nevertheless, the Court has reviewed Slater's objections, as well as the petition and the underlying record, de novo.

Having done so, the Court finds itself in complete agreement with Judge Maas's fine Report and Recommendation and hereby adopts its reasoning by reference. Accordingly, the Court dismisses the petition, with prejudice. In addition, because petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. See 28 U.S.C. § 2253. Moreover, the Court certifies that any appeal by petitioner from this Order would not be taken in good faith, as petitioner's claim lacks any arguable basis in law or fact, and therefore permission to proceed in

forma pauperis is denied. See 28 U.S.C. § 1915(a)(3); see also In re Seimon, 421 F.3d 167, 169 (2d Cir. 2005).

The Clerk of the Court is hereby directed to close the motion at document number 1153 on the criminal docket of this case, U.S. v. Slater, 04-cr-48-36 (JSR), and to enter judgment on the civil docket.

SO ORDERED.

Dated: New York, New York
August 5, 2016



JED S. RAKOFF, U.S.D.J.