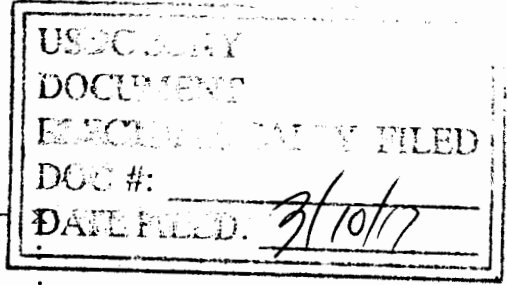


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



GEORGE PAUL SALEMO,

Petitioner,

-v-

UNITED STATES OF AMERICA,

Respondent.

:
: 14-cv-1868 (JSR) (GWG)
: 11-cr-65 (JSR)
:
: ORDER
:
:
:
:
: x

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

Before the Court is the motion by defendant and now pro se petitioner George Salemo challenging his conviction for wire fraud. On May 17, 2016, Magistrate Judge Gabriel W. Gorenstein issued a Report and Recommendation in the above-captioned matter recommending that the Court dismiss Mr. Salemo's pro se petition filed pursuant to 28 U.S.C. Section 2255. Although Mr. Salemo chose not to file any objections to the Report and Recommendation, the Court has reviewed the underlying record de novo.

Having done so, the Court finds itself in complete agreement with Magistrate Judge Gorenstein's Report and Recommendation and dismisses the action 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 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 also denied. See 28 U.S.C. § 1915(a)(3); see also Seimon

v. Emigrant Savs. Bank (In re Seimon), 421 F.3d 167, 169 (2d Cir. 2005). The Clerk of the Court is hereby directed to enter final judgment.

SO ORDERED.

Dated: New York, NY
March 9, 2017



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