

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SAMARTH AGRAWAL,

Petitioner,

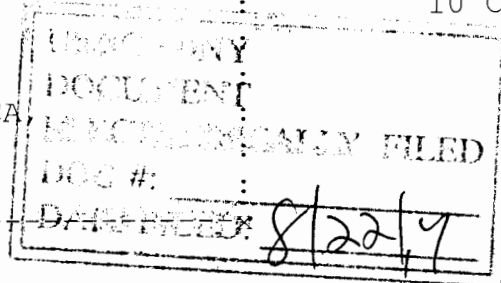
15 Civ. 1724 (JSR) (HBP)

10 Cr. 417 (JSR)

-v-

UNITED STATES OF AMERICA,

Respondent.



ORDER

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

On August 1, 2017, the Honorable Henry Pitman, United States Magistrate Judge, issued a Report and Recommendation in the above-captioned matter recommending the denial of petitioner's motion to vacate his sentence pursuant to 28 U.S.C. § 2255. In a letter dated August 12, 2017, petitioner filed objections to the Report and Recommendation. The Court has reviewed the objections and the underlying record de novo.

Having done so, the Court finds itself in complete agreement with Magistrate Judge Pitman's Report and Recommendation. Petitioner objects to Judge Pitman's conclusion that coram nobis relief is unavailable, but he has failed to demonstrate either that "sound reasons exist for [his] failure to seek appropriate earlier relief" or that that there exists a "concrete threat that an erroneous conviction's lingering disabilities will cause serious harm," and the Court therefore concludes that that "extraordinary remedy" is not warranted in these circumstances. Fleming v. United States, 146 F.3d 88, 91 (2d Cir. 1998) (internal quotation marks omitted).

Accordingly, the Court hereby adopts Judge Pitman's Report and Recommendation in full and denies the § 2255 motion, with prejudice. No certificate of appealability shall issue because Agrawal has failed to make a substantial showing of the denial of a constitutional right. The Clerk of Court is directed to close the civil case and to close entry numbers 67 and 71 on the docket of the criminal case.

SO ORDERED.

Dated: New York, NY
August 22, 2017


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