

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ALEXANDER SANTANA,	:	
	:	
Petitioner,	:	15cv2818
	:	
-against-	:	<u>MEMORANDUM &amp; ORDER</u>
	:	
MICHAEL CAPRI, Superintendent, Sing	:	
Sing Correctional Facility,	:	
	:	
Respondent.	:	
	:	

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WILLIAM H. PAULEY III, District Judge:

                    Petitioner Alexander Santana filed this habeas proceeding pursuant to 28 U.S.C. § 2254 to challenge his 2010 conviction for first degree manslaughter, alleging ineffective assistance of trial counsel. In June 2015, this Court referred this matter to then-Magistrate Judge Frank Maas for a Report and Recommendation. This proceeding was subsequently stayed pending the exhaustion of Santana’s claims in state court. (See ECF No. 7.) Thereafter, with the retirement of Magistrate Judge Maas, this matter was randomly reassigned to Magistrate Judge Gabriel Gorenstein. Magistrate Judge Gorenstein issued his Report and Recommendation (the “Report”) on August 11, 2017, finding that none of the grounds for relief raised by Santana should be granted. The Report recommends that this Court deny Santana’s petition. No objections to the Report have been filed.

                    A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). In reviewing a Report and Recommendation to which no objection has been lodged, a court “need only satisfy itself that there is no clear error on the face of the record.” Simms v. Graham, No. 09-CV-1059,

2011 WL 6072400, at \*1 (S.D.N.Y. Dec. 6, 2011).

This Court has reviewed Magistrate Judge Gorenstein's thorough and well-reasoned Report, and finds that it is not erroneous on its face. See 28 U.S.C. § 636(b)(1)(C). Accordingly, this Court adopts the Report in its entirety. The parties' failure to file written objections precludes appellate review of this decision. See Thomas v. Arn, 474 U.S. 140, 155 (1985). The Clerk of Court is directed to terminate all pending motions and mark this case as closed.

Dated: September 12, 2017  
New York, New York

SO ORDERED:

  
WILLIAM H. PAULEY III  
U.S.D.J.