

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Dwinel Monroe,

Petitioner,

–v–

Superintendent B.J. Smith,

Respondent.

16-CV-2074 (AJN)

ORDER ADOPTING REPORT AND  
RECOMMENDATION

ALISON J. NATHAN, District Judge:

Petitioner Dwinel Monroe, proceeding *pro se*, seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Dkt. No. 1. Petitioner is currently serving a seven-year sentence in New York state prison for attempted robbery in the second degree. *See* New York State Penal Law §§ 110.00, 160.10. On May 4, 2016, the undersigned referred this matter to United States Magistrate Judge James C. Francis IV. Dkt. No. 4. On March 8, 2017, Judge Francis issued a Report and Recommendation (the “R&R”), recommending that the petition be denied. Dkt. No. 17. The R&R, which was mailed to Petitioner on the day that it issued, expressly advised the parties that, pursuant to 28 U.S.C. § 636(b)(1) and Federal Rules of Civil Procedure 72 and 6(a), (d), any objections to the R&R were required to be filed within 14 days, and that failure to timely file objections would preclude appellate review. R&R at 36. As of the date of this Order, neither party has filed objections.

Having received no timely objections to the R&R, the Court reviews it only for clear error. *See Martinez-Cisneros v. Hufford*, 13-cv-6888, 2014 WL 3854077, at \*1 (S.D.N.Y. Aug. 5, 2014) (citing *Dunham v. City of New York*, 11-cv-1223, 2013 WL 929029, at \*1 (S.D.N.Y. Mar. 11, 2013)). Upon careful consideration of Judge Francis’ thorough and well-reasoned

R&R, the Court finds no clear error. Accordingly, it hereby ADOPTS the R&R in its entirety and DENIES the petition.

The Clerk of Court is respectfully directed to close this case. A copy of this Order will be mailed to *pro se* Petitioner.

SO ORDERED.

Dated: May 2, 2017  
New York, New York



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ALISON J. NATHAN  
United States District Judge

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