

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 10/27/2022

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROBERTO GERON,

Petitioner,

1:18-cv-168-GHW

-v -

ORDER

H. GRAHAM,

Respondent.

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GREGORY H. WOODS, United States District Judge:

Petitioner’s application for an extension of time to object to Magistrate Judge Figueredo’s Report and Recommendation (“R&R”), Dkt. No. 36, is denied. Petitioner states that he received the R&R on September 21, 2022, seven days in advance of the September 28, 2022 deadline to file any objections to the R&R. Dkt. No. 36 at 1; *see* Dkt. No. 33 at 25–26 (specifying that any objections to the R&R must be submitted no later than fourteen days from the date of the R&R’s filing).

Petitioner thus had seven days within the specified time period to submit his objections or, at the least, to submit a request for an extension of time to file them. No such request was submitted then. This Court therefore issued an order adopting the R&R on September 29, 2022, and judgment was entered in this case on September 30, 2022. Dkt. Nos. 34 (order), 35 (judgment). Petitioner’s request for an extension of time to file objections was written October 2, 2022—after the time period allowed to file objections, and after an order and judgment were entered in this case.


Accordingly, Petitioner’s request is denied.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal.

See Coppedge v. United States, 369 U.S. 438, 444–45 (1962).

SO ORDERED.

Dated: October 27, 2022
New York, New York



GREGORY H. WOODS
United States District Judge