

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

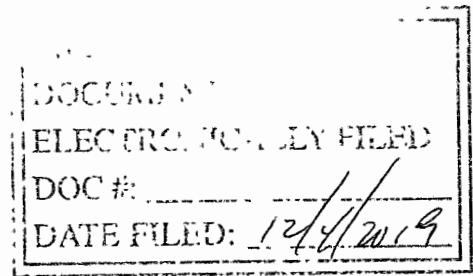
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JOSE GUAPALUPE,

Plaintiff,

-against-

SUPERINTENDENT, Upstate Correctional
Facility,

Defendants.
-----X



17 CIVIL 7832 (VB)

JUDGMENT

It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order dated December 4, 2019, Magistrate Judge Paul E. Davison's R&R is adopted as the opinion of the Court, and the petition for a writ of habeas corpus is denied; as petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue; the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this Court's order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal; accordingly, this case is closed.

Dated: New York, New York
December 4, 2019

RUBY J. KRAJICK

Clerk of Court

BY:

Deputy Clerk

THIS DOCUMENT WAS ENTERED
ON THE DOCKET ON 12/4/2019