

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

WILLIAM ROBINSON,

Petitioner,

DECISION and ORDER

-vs-

07-CV-6041-CJS-VEB

DALE ARTUS, Superintendent of Clinton
Correctional Facility,

Respondent.

Pursuant to 28 U.S.C. § 636(b)(1), the Court referred this 28 U.S.C. § 2254 petition for a writ of habeas corpus to United States Magistrate Judge Victor E. Bianchini for a report and recommendation. Judge Bianchini filed his Report and Recommendation in which he recommended that the Court deny Robinson's petition. After being granted an enlargement of time, Robinson filed objections to the Report and Recommendation on March 27, 2009.

Pursuant to 28 U.S.C. § 636(b)(1)(C) and Federal Rule of Civil Procedure 72, this Court must make a *de novo* determination of those portions of the Report and Recommendation to which objections have been made. Upon a *de novo* review of Judge Bianchini's Report and Recommendation based on Robinson's objections, the Court accepts in whole Judge Bianchini's proposed findings and recommendation. Accordingly, for the reasons set forth in Judge Bianchini's Report and Recommendation, Robinson's petition for a writ of habeas corpus is denied.

The Court hereby certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal

from this Decision and Order would not be taken in good faith, and leave to appeal to the Court of Appeals as a poor person is hereby denied. *Coppedge v. United States*, 369 U.S. 438 (1962). Further requests to proceed on appeal as a poor person should be directed, on motion, to the United States Court of Appeals for the Second Circuit, in accordance with Rule 24 of the Federal Rules of Appellate Procedure.

IT IS SO ORDERED.

Dated: October 15, 2009
Rochester, New York

ENTER:

/s/ Charles J. Siragusa
CHARLES J. SIRAGUSA
UNITED STATES DISTRICT JUDGE