

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

**DAVID BARRON,**

**Petitioner,**

**v.**

**ANDREW PALLITO and VERMONT  
DEPARTMENT OF CORRECTIONS,**

**Respondents.**

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**File No. 1:12-cv-92-jgm-jmc**

**ORDER**

The Magistrate Judge's Report and Recommendation was filed December 13, 2013. (Doc. 17.) After de novo review and absent objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1).

Barron's remaining claims are DISMISSED, and his Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus (Doc. 4) is DENIED.

Pursuant to Fed. R. App. P. 22(b), the Court DENIES petitioner a certificate of appealability ("COA") because the petitioner failed to make a substantial showing of a denial of a constitutional right. See 28 U.S.C. § 2253(c)(2). The Court rejects the petition on its merits because the petitioner has failed to demonstrate that reasonable jurists would find the Court's "assessment of the constitutional claims debatable or wrong." Slack v. McDaniel, 529 U.S. 473, 120 S. Ct. 1595, 1604, 146 L. Ed. 2d 542 (2000).

It is further certified that any appeal taken in forma pauperis from this Order would not be taken in good faith because such an appeal would be frivolous. See 28 U.S.C. § 1915(a)(3).

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 14<sup>th</sup> day of January, 2014.

/s/ J. Garvan Murtha  
Honorable J. Garvan Murtha  
United States District Judge