

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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KERRY HUNTLEY,

Petitioner,

vs

9:00-CV-191

SUPERINTENDENT, Supt. of Southport Corr. Facility,

Respondent.

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APPEARANCES:

KERRY HUNTLEY  
Petitioner, Pro Se  
96-A-6846  
Southport Correctional Facility  
Box 2000  
Pine City, NY 14871

HON. ELIOT L. SPITZER  
Attorney General of the  
State of New York  
Attorney for Respondent  
Department of Law  
The Capitol  
Albany, NY 12224-0341

DAVID N. HURD  
United States District Judge

OF COUNSEL:

STEVEN H. SCHWARTZ, ESQ.  
Asst. Attorney General

**DECISION and ORDER**

Petitioner, Kerry Huntley, brought this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. By a report recommendation dated December 5, 2006, the Honorable George H. Lowe, United States Magistrate Judge, recommended that the petition for a writ of habeas corpus be denied and dismissed. Petitioner filed timely objections.

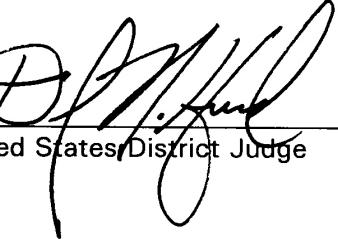
Based upon a de novo determination of the report and recommendation, including the portions to which petitioner objected, the Report-Recommendation is accepted and adopted in whole. See 28 U.S.C. 636(b)(1); Rule 10, Rules Governing Section 2254 Cases.

Accordingly, it is

ORDERED that the petition is DENIED and DISMISSED in its entirety.

IT IS SO ORDERED.

Dated: January 29, 2007  
Utica, New York.

  
United States District Judge