

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MAINE**

|                                  |   |                                  |
|----------------------------------|---|----------------------------------|
| <b>GREG JAMES WARMKE,</b>        | ) |                                  |
|                                  | ) |                                  |
| <b>PETITIONER</b>                | ) |                                  |
|                                  | ) |                                  |
| <b>v.</b>                        | ) | <b>CIVIL No. 1:11-cv-370-DBH</b> |
|                                  | ) |                                  |
| <b>UNITED STATES OF AMERICA,</b> | ) |                                  |
|                                  | ) |                                  |
| <b>RESPONDENT</b>                | ) |                                  |

**ORDER AFFIRMING RECOMMENDED DECISION  
OF THE MAGISTRATE JUDGE**

On March 6, 2012, the United States Magistrate Judge filed with the court, with copies to the parties her Recommended Decision on the Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody. The petitioner filed his objection to the Recommended Decision on March 26, 2012. I have reviewed and considered the Recommended Decision, together with the entire record; I have made a *de novo* determination of all matters adjudicated by the Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in the Recommended Decision, and determine that no further proceeding is necessary.

It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **ADOPTED**. The petitioner is **DENIED** relief under 28 U.S.C. § 2254, **WITH PREJUDICE**, and the petition is **DISMISSED**.

Finally, I find that no certificate of appealability shall issue in the event the petitioner files a notice of appeal because there is no substantial showing of the denial of a constitutional right within the meaning of 28 U.S.C. § 2253(c).

**SO ORDERED.**

**DATED THIS 29<sup>TH</sup> DAY OF MARCH, 2012**

/s/D. BROCK HORNBY  
**D. BROCK HORNBY**  
**UNITED STATES DISTRICT JUDGE**