

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

ANDREW FRANCO,)	
)	
PETITIONER)	
)	
v.)	CIVIL No. 1:18-cv-508-DBH
)	
STATE OF MAINE,)	
)	
RESPONDENT)	

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

On August 7, 2019, the United States Magistrate Judge filed with the court, with a copy to the parties, his Recommended Decision on 28 U.S.C. § 2254 Petition. At the petitioner's request, several extensions of time to file an objection were granted. A court mailing to the petitioner establishing a new filing deadline was returned as undeliverable on March 23, 2020. The Maine Attorney General's office provided a new address for the petitioner and the mailing was re-sent on April 16, 2020, and has not been returned. The extended time within which to file an objection expired on May 4, 2020. No objection has been filed. The Magistrate Judge notified the parties that failure to object would waive their right to *de novo* review and appeal.

I have reviewed and considered the Recommended Decision, together with the entire record. I note and correct a date error on page 4 of the Recommended Decision. The last sentence in the carry-over paragraph should read: "That period expired on October 6, 2015, making Petitioner's judgment final on

October 7, 2015.” 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**. An evidentiary hearing is not warranted under Rule 8 of the Rules Governing Section 2254 Cases. The Petitioner’s petition for habeas relief under 28 U.S.C. § 2254 is **DISMISSED**. I **DENY** a certificate of appealability pursuant to Rule 11 of the Rules Governing Section 2254 Cases because there is no substantial showing of the denial of a constitutional right within the meaning of 28 U.S.C. § 2253(c)(2).

SO ORDERED.

DATED THIS 8TH DAY OF MAY, 2020

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