

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

KEITH TINGLEY,	)	
	)	
Petitioner,	)	
	)	
v.	)	Docket No. 1:18-cv-00513-NT
	)	
	)	
RANDALL LIBERTY,	)	
	)	
Respondent.	)	

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

Petitioner Keith Tingley seeks relief pursuant to 28 U.S.C. § 2254 (ECF No. 1). The State contends the petition was not timely filed in accordance with 28 U.S.C. § 2244(d) and asks the Court to dismiss the petition (ECF No. 5). The United States Magistrate Judge filed with the Court on September 26, 2019, his Recommended Decision on Petitioner's request for relief pursuant to 28 U.S.C. § 2254 (ECF No. 17). The Petitioner filed an objection to the Recommended Decision on October 10, 2019 (ECF No. 18).

I have reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; I have made a *de novo* determination of all matters adjudicated by the Magistrate Judge's Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in his Recommended Decision, and determine that no further proceeding is necessary. It is therefore **ORDERED** that the

Recommended Decision of the Magistrate Judge is hereby **AFFIRMED** and the State's Motion to Dismiss is **GRANTED**. It is further **ORDERED** that no certificate of appealability should 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)(2).

SO ORDERED.

/s/ Nancy Torresen  
United States District Judge

Dated this 16th day of October, 2019.