

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

MARK R. JORDAN,	)	
	)	
Petitioner,	)	
	)	
v.	)	1:23-cv-00311-LEW
	)	
SCOTT KANE,	)	
	)	
Respondent	)	

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

On August 31, 2023, the United States Magistrate Judge filed with the court, with copies to the parties, his Recommended Decision After Preliminary Review (ECF No. 2).

The Petitioner filed an Objection to the Recommended Decision on September 15, 2023. Through his Objection, Petitioner seeks to supplement his petition to meet the Magistrate Judge’s observation that he has failed to allege facts depicting the kind of extraordinary circumstances necessary to overcome the presumption in favor of abstention pursuant to *Younger v. Harris*, 401 U.S. 37 (1971). Based on my review, Petitioner’s supplemental argument and materials demonstrate that he may have a basis to pursue a motion to suppress evidence in state court, but not that there are extraordinary circumstances to suggest that he will not have the opportunity to do so within a reasonable time. Petitioner’s supplemental materials, in other words, do not undermine the Magistrate Judge’s recommendation.

I have reviewed and considered the Recommended Decision and the Objection, 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 AFFIRMED and ADOPTED.

The motion for habeas relief under 28 U.S.C. § 2241 is DENIED and DISMISSED without an evidentiary hearing.

It is further ORDERED that no certificate of appealability will issue from this Court because the Petitioner has not made a substantial showing of the denial of a constitutional right within the meaning of 28 U.S.C. § 2253(c)(2).

**SO ORDERED.**

Dated this 20<sup>th</sup> day of October, 2023.

/s/ Lance E. Walker  
UNITED STATES DISTRICT JUDGE