

**UNITED STATES DISTRICT COURT  
District of Maine**

<p><b>JESSE LEAHY,</b></p> <p style="padding-left: 100px;"><b>Plaintiff,</b></p> <p><b>v.</b></p> <p><b>UNITED STATES OF AMERICA,</b></p> <p style="padding-left: 100px;"><b>Defendant,</b></p>	<p>) ) ) ) ) ) ) ) ) ) ) )</p>	<p><b>Civil No. 08-340-P-S</b> <b>Crim. No. 04-24-P-S</b></p>
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**ORDER AFFIRMING THE  
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

The United States Magistrate Judge filed with the Court on May 5, 2009, her Recommended Decision (Docket No. 20). Plaintiff filed his Objection to the Recommended Decision (Docket No. 21) on May 22, 2009, which included a request for a hearing (Docket No. 22).

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 her Recommended Decision, and determine that no further proceeding is necessary.

1. It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **AFFIRMED**.
2. It is hereby **ORDERED** that Plaintiff's 28 U.S.C. § 2255 relief (Docket No. 13) and his request for a hearing (Docket No. 22) are **DENIED**.

3. It is also **ORDERED** that a certificate of appealability shall not be issued in the event that Plaintiff files a notice of appeal because there is no substantial showing of the denial of a constitutional right within the mean of 28 U.S.C. § 2253(c)(2).

/s/George Z. Singal \_\_\_\_\_  
U.S. District Judge

Dated: June 22, 2009