

**MINUTES OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

UNITED STATES OF AMERICA v. DANIEL CARSON LEWIS

THE HONORABLE JOHN W. SEDWICK

CASE NO. 3:01-cr-149 (JWS)

PROCEEDINGS: **ORDER FROM CHAMBERS**

Date: March 17, 2008

At docket 227, with a supplement at docket 255, defendant Lewis moved pursuant to 28 U.S.C. § 2255 to have his conviction set aside on grounds that he had ineffective assistance of counsel. His argument was predicated on the proposition that his lawyer failed to defend him on the basis that he was allowed to possess a "long gun" as distinguished from other types of firearms. The magistrate judge has recommended that the motion be denied in his report at docket 259. No objections have been filed by Lewis. This court reviews the recommended conclusions of law *de novo*, and the recommended findings of fact as to which no objection has been taken for clear error. This court has applied that standard. As the magistrate judge has pointed out, Lewis' argument fails as a result of the Supreme Court's decision in *Caron v. United States*, 524 U.S. 308, 314-317, 118 S.Ct. 2007 (1998). The recommendation is correct in all material respects, and based thereon Lewis' motion at docket 227 as supplemented at docket 255 is **DENIED**.
