

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

DANIEL M. DWYER,)
)
Petitioner,)
)
v.) Civil No. 09-379-B-W
)
MAINE, STATE OF,)
)
Respondent.)

**ORDER AFFIRMING THE RECOMMENDED DECISION
OF THE MAGISTRATE JUDGE AND DENYING APPEAL
OF MAGISTRATE JUDGE DECISION**

The United States Magistrate Judge filed with the Court on January 15, 2010 her Recommended Decision (Docket # 20). The Plaintiff filed his objections to the Recommended Decision on March 25, 2010 (Docket # 30) and also on March 25, 2010 filed an Appeal of the Magistrate Judge's Decision (Docket # 31). 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 (Docket # 20) is hereby AFFIRMED.
2. It is further ORDERED that the Petitioner's 28 U.S.C. § 2254 Petition (Docket # 1) be and hereby is DENIED.
3. It is further ORDERED that no certificate of appealability should issue in the event the Plaintiff 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).

4. It is further ORDERED that the Petitioner's Appeal of the Magistrate Judge's Decision (Docket # 31) be and hereby is DENIED as the Magistrate Judge's decision is neither clearly erroneous nor contrary to law.

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
CHIEF UNITED STATES DISTRICT JUDGE

Dated this 26th day of March, 2010