## UNITED STATES DISTRICT COURT District of Maine

MICHAEL LENA,	)
Petitioner	)
v.	) 1:11-cv-307-GZS
ATTORNEY GENERAL, MAINE,	)
Respondent	)
	)

## ORDER AFFIRMING THE RECOMMENDED DECISION OF THE MAGISTRATE JUDGE

The United States Magistrate Judge filed with the Court on September 6, 2011, her Recommended Decision (Docket No. 15). Petitioner filed a Motion to Supplement his Habeas Petition (Docket No. 17) on September 12, 2011. In addition, Petitioner filed a Motion for Show Cause Evidentiary Hearing and his Objection to the Recommended Decision (Docket No. 19) on September 15, 2011.

I have reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; I have made a <u>de novo</u> 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 Petitioner's Petition for Writ of Habeas Corpus (Docket No. 1) is **DENIED** as there was no unreasonable application of federal law in either the Maine Law Court's decision to deny a certificate of probable cause or the habeas

decision of the associate justice.

- 3. It is hereby **ORDERED** that a certificate of appealability should not issue in the event that the Petitioner files a Notice of Appeal because there is no substantial showing of the denial of a constitutional right as contemplated by 28 U.S.C. § 2253(c)(2).
- 4. It is hereby **ORDERED** that both Petitioner's Motion to Supplement his Habeas Petition (Docket No. 17) and his Motion for Show Cause Evidentiary Hearing (Docket No. 19) are **DENIED**.

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

Dated this 4<sup>th</sup> day of October, 2011.