

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

| | | |
|--|---|----------------------------------|
| GREG JAMES WARMKE, |) | |
| |) | |
| PETITIONER |) | |
| |) | |
| v. |) | CIVIL No. 1:11-cv-370-DBH |
| |) | |
| PATRICIA BARNHART, <i>Warden,</i> |) | |
| <i>Maine State Prison,</i> |) | |
| |) | |
| RESPONDENT |) | |

**AMENDED¹ ORDER AFFIRMING RECOMMENDED DECISION
OF THE MAGISTRATE JUDGE**

On March 6, 2012, the United States Magistrate Judge filed with the court, with copies to the parties her Recommended Decision on the Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody. The petitioner filed his objection to the Recommended Decision on March 26, 2012. I have reviewed and considered the Recommended Decision, 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.

¹ The order is amended to correctly reflect the respondent in the case caption as “Patricia Barnhart, *Warden, Maine State Prison*” rather than “United States of America.”

It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **ADOPTED**. The petitioner is **DENIED** relief under 28 U.S.C. § 2254, **WITH PREJUDICE**, and the petition is **DISMISSED**.

Finally, I find that no certificate of appealability shall issue in the event the petitioner 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).

SO ORDERED.

DATED THIS 29TH DAY OF MARCH, 2012

/s/D. BROCK HORNBY
D. BROCK HORNBY
UNITED STATES DISTRICT JUDGE