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UNITED STATES DISTRICT COURT DISTRICT OF MAINE

JOHN GRAY,)
Petitioner,)
v.) Civil No. 1:12-CV-00373-NT
PATRICIA BARNHART,)
Respondent.)

ORDER AFFIRMING THE RECOMMENDED DECISION OF THE MAGISTRATE JUDGE

The United States Magistrate Judge filed with the Court on April 4, 2013 her Recommended Decision. The Plaintiff filed his objection to the Recommended Decision on April 23, 2013. 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 Magistrate Judge for the reasons set forth in her Recommended Decision, and determine that no further proceeding is necessary.

- 1. It is therefore <u>ORDERED</u> that the Recommended Decision of the Magistrate Judge is hereby <u>AFFIRMED</u>.
- 2. It is further <u>ORDERED</u> that the Petitioner's 28 U.S.C. § 2254 Petition (ECF No. 1) be and hereby is <u>DISMISSED WITH</u> PREJUDICE as time-barred, and relief 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).

SO ORDERED.

/s/ Nancy Torresen NANCY TORRESEN UNITED STATES DISTRICT JUDGE

Dated this 6th day of May, 2013.