

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MAINE**

|                         |   |                                  |
|-------------------------|---|----------------------------------|
| <b>JAMES M. MANLEY,</b> | ) |                                  |
|                         | ) |                                  |
| <b>PETITIONER</b>       | ) |                                  |
|                         | ) |                                  |
| <b>v.</b>               | ) | <b>CIVIL No. 1:16-cv-249-DBH</b> |
|                         | ) |                                  |
| <b>RANDALL LIBERTY,</b> | ) |                                  |
|                         | ) |                                  |
| <b>RESPONDENT</b>       | ) |                                  |

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

On February 10, 2017, the United States Magistrate Judge filed with the court, with copies to counsel, his Recommended Decision on 28 U.S.C. § 2254 Petition. The plaintiff filed an objection to the Recommended Decision on March 9, 2017. 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.

It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **ADOPTED**. An evidentiary hearing is not warranted under Rule 8 of the Rules Governing Section 2254 Cases. The petition for habeas relief under 28 U.S.C. § 2254 is **DENIED**, and the petition is **DISMISSED**. A certificate of

appealability pursuant to Rule 11 of the Rules Governing Section 2254 Cases shall not issue 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.**

**DATED THIS 28<sup>TH</sup> DAY OF MARCH, 2017**

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