

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

FRANK INMAN,)	
)	
Plaintiff,)	
v.)	No. 2:15-cv-00113-GZS
)	
SCOTT LANDRY,)	
Superintendent, Maine Correctional)	
Center,)	
)	
Defendant)	

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

No objections having been filed to the Magistrate Judge's Recommended Decision (Docket No. 23) filed June 25, 2012, the Recommended Decision is **AFFIRMED**.

Accordingly, it is **ORDERED** that in regard to Plaintiff's Petition under 28 U.S.C. § 2254 for Writ of Habeas Corpus, it is **DISMISSED** in part, and **DENIED** in part.

1. With respect to the "mixed" claims set forth in Ground One (ineffective assistance of counsel) and Ground Two (prosecutorial misconduct), the Magistrate Judge recommended that the Court reserve ruling on these grounds pending the defendant's decision on proceeding on one or both grounds. I affirm the Magistrate Judge's recommendation. On July 8th, 2015, the defendant, prior to my action on the recommended decision, elected to proceed only on Ground Two (Docket No. 25), the issue of prosecutorial misconduct. Thus the Court will, pursuant to the recommended decision, establish a schedule to address the issues contained in Ground Two.

2. With respect to Grounds Three and Four of the Petition, the Court finds that an evidentiary hearing is not warranted under Rule 8 of the Rules Governing Section 2254 Cases and **DISMISSES** Grounds Three and Four with prejudice.
3. It is hereby **ORDERED** that with respect to the partial dismissal contained in this Order a certificate of appealability pursuant to Rule 11 of the Rules Governing Section 2254 cases is **DENIED** because there is no substantial showing of the denial of a constitutional right within the meaning of 28 U.S.C. §2253(c)(2).

/s/ George Z. Singal
United States District Judge

Dated this 4th day of August, 2015.