

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

TIMOTHY A. BERRY,)	
)	
Petitioner,)	
)	
v.)	Docket No. 2:21-cv-00308-NT
)	
STATE OF MAINE,)	
)	
Respondent.)	

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

On December 14, 2021, the United States Magistrate Judge filed with the Court, with a copy to the Petitioner, his decision recommending dismissal of the Petitioner’s habeas petition (ECF No. 6). The time within which to file objections has expired, and no objections have been filed. The Magistrate Judge notified the Petitioner that failure to object would waive his right to *de novo* review and appeal.

It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **ADOPTED**. The Petitioner’s 28 U.S.C. § 2254 petition (ECF No. 1) is hereby **DISMISSED** with prejudice.

It is further **ORDERED** that no certificate of appealability should issue in the event the Petitioner files a notice of appeal because no jurist of reason would find the

correctness of this ruling to be debatable. *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

SO ORDERED.

/s/ Nancy Torresen
United States District Judge

Dated this 10th day of January, 2022.