

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 11-11498-RGS

JEFFREY PAUL CARLSEN,
Petitioner

v.

JAMES V. DiPAOLA,
Respondent

ORDER ON REPORT AND RECOMMENDATION
OF THE MAGISTRATE JUDGE

November 4, 2011

STEARNS, D.J.

As I agree with Magistrate Judge Collings' Report and his determination that petitioner has failed to exhaust his state remedies, the Recommendation is ADOPTED and the petition is DISMISSED with prejudice.¹ See *McFarland v. Scott*, 512 U.S. 849, 856 (1994) (habeas petition may be dismissed if it appears to be legally insufficient on its face). Any request for the issuance of a Certificate of Appealability pursuant to 28 U.S.C. § 2253 is DENIED, the court seeing no meritorious or substantial basis for an appeal. The Clerk is instructed to close the case.

¹ Petitioner has filed a lengthy objection that repeats the substance of his petition without addressing in any meaningful way the substance of the Report.

SO ORDERED.

/s/ Richard G. Stearns

UNITED STATES DISTRICT JUDGE