

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 12-10515-RGS

ANTONIO T. SIMMONS,
Petitioner

v.

J. GRONDOLSKY,
Respondent

ORDER ON REPORT AND RECOMMENDATION
OF THE MAGISTRATE JUDGE

November 5, 2012

STEARNS, D.J.

As I agree with Magistrate Judge Bowler's Report and her determination that the respondent Warden of FMC has correctly concluded that petitioner Simmons is ineligible for early release under Bureau of Prisons regulations because of his prior state conviction for aggravated assault, the Recommendation is ADOPTED and the petition is DISMISSED with prejudice.¹ *Cf. Lopez v. Davis*, 531 U.S. 230, 244 (2001). 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.

¹ I note that petitioner had lodged no objections to the Report by the date when such were due.

The Clerk is instructed to close the case.

SO ORDERED.

/s/ Richard G. Stearns

UNITED STATES DISTRICT JUDGE