

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 12-10599-RGS

JEFFREY PAUL CARLSEN,  
Petitioner

v.

JAMES V. DiPAOLA,  
Respondent

ORDER ON REPORT AND RECOMMENDATION  
OF THE MAGISTRATE JUDGE

June 19, 2012

STEARNS, D.J.

As I agree with Magistrate Judge Collings' June 7, 2012 Report and his determination that petitioner has failed to exhaust his state remedies (which he acknowledges), the Recommendation is ADOPTED and the petition is DISMISSED with prejudice.<sup>1</sup> *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

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<sup>1</sup> Carlsen filed an objection to the Report and Recommendation on June 14, 2012, that cursorily repeats the substance of his petition.

instructed to close the case.

SO ORDERED.

/s/ Richard G. Stearns

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UNITED STATES DISTRICT JUDGE