

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
MATTHEW MCKINNON,)	
)	
Petitioner,)	
)	Civil Action
v.)	No. 14-12005-PBS
)	
KELLY RYAN, Superintendent,)	
)	
Respondent.)	
_____)	

ORDER

August 7, 2017

Saris, C.J.

I adopt the report and recommendation issued on April 11, 2017. On June 22, 2017, the Supreme Court issued Weaver v. Massachusetts, which held: “[W]hen a defendant raises a public-trial violation via an ineffective-assistance-of-counsel claim, Strickland prejudice is not shown automatically. Instead, the burden is on the defendant to show either a reasonable probability of a different outcome in his or her case or . . . to show that the particular public-trial violation was so serious as to render his or her trial fundamentally unfair.” 37 S. Ct. 1899, 1911 (2017). Petitioner has not shown either prejudice or fundamental unfairness in the circumstances of this case.

The petition for habeas corpus relief (Docket No. 1) is **DENIED**. I **DENY** a certificate of appealability pursuant to 28 U.S.C. § 2253(c) on all objections because Petitioner has not made a "substantial showing of the denial of a constitutional right."

/s/ PATTI B. SARIS
Patti B. Saris
Chief United States District Judge