

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Joshua Gagnon

v.

Civil No. 13-cv-124-PB

United States of America

O R D E R

I agree that the petition is time barred for the reasons stated in the government's response (Doc. No. 8) to the motion to vacate (Doc. No. 1). Neither an evidentiary hearing nor expansion of the record could lead to evidence that could affect my analysis of the issue. All pending motions are denied.

Because I determine that plaintiff has failed to make a substantial showing of the denial of a constitutional right, I decline to issue a certificate of appealability. See 28 U.S.C. § 2253(c)(2); Rule 11, Rules Governing Habeas Corpus Cases Under Section 2254; First Cir. LR 22.0.

SO ORDERED.

/s/Paul Barbadoro
Paul Barbadoro
United States District Judge

May 2, 2013

cc: Joshua Gagnon, pro se
Seth Aframe, AUSA