

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRERonald Bourdon

v.

Case No. 15-cv-138-LM

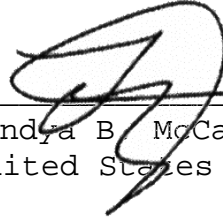
Michelle Goings, Warden,
Northern New Hampshire
Correctional FacilityO R D E R

After due consideration of the objection filed, I herewith approve the Report and Recommendation of Magistrate Judge Andrea K. Johnstone dated July 18, 2017, for the reasons set forth therein. Petitioner Bourdon's § 2254 petition is hereby dismissed without prejudice. It is further ordered that the cross motions for summary judgment are hereby denied as moot (doc. nos. 25, 31).

Additionally, finding that the petitioner has failed to make a substantial showing of the denial of a constitutional right, the court declines 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.

The Clerk of Court is directed to entered judgment in accordance with the order and close the case.

SO ORDERED.



Landya B. McCafferty
United States District Judge

Date: August 16, 2017

cc: Ronald Bourdon, pro se
Elizabeth C. Woodcock, Esq.