

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

CARLTON J. BLEAU

v.

CA 10-103 ML

ASHBEL T. WALL, Director of
the Rhode Island Department of
Corrections

MEMORANDUM AND ORDER

This matter is before the Court on the Report and Recommendation¹ issued by Magistrate Judge Martin on November 12, 2010. On November 30, 2010, this Court granted Petitioner's motion for an extension of time to respond to the Report and Recommendation. Petitioner's response was due to be filed by December 30, 2010. Because of the intervening holiday, Petitioner's letter response was not docketed until January 3, 2011. The Court will treat that letter response as timely filed.

In his letter/response, Petitioner simply reiterates arguments previously made in the Rhode Island Superior Court and Rhode Island Supreme Court as well as in his petition for relief in this Court. He does not make any specific objections to the factual findings and legal conclusions set forth in the Magistrate Judge's thorough report. This Court has considered the Magistrate Judge's Report and Recommendation and finds that he has accurately recounted the history and factual background of Petitioner's

¹The Report and Recommendation was re-issued on January 3, 2011 to correct a problem in formatting that occurred when the original document (docket #21) was converted to a PDF file. The substance of the Report and Recommendation remained unchanged.

claims; that he has correctly applied both procedural and substantive law to Petitioner's claims; and that his recommendation that the amended petition should be dismissed is sound and well supported by the record.

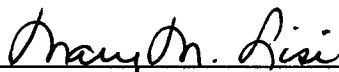
Accordingly, this Court adopts the Report and Recommendation in its entirety. The State's motion to dismiss is GRANTED and the Amended Petition is hereby DISMISSED.

RULING ON CERTIFICATE OF APPEALABILITY

Pursuant to Rule 11(a) of the Rules Governing § 2254 Proceedings in the United States District Courts ("§ 2254 Rules"), this Court hereby finds that this case is not appropriate for the issuance of a certificate of appealability, because the Petitioner has failed to make a substantial showing of the denial of a constitutional right as to any claim, as required by 28 U.S.C. §2253(c)(2).

The Petitioner is advised that any motion to reconsider this ruling will not extend the time to file a notice of appeal in this matter. See § 2254 Rule 11(b).

SO ORDERED:



Mary M. Lisi
Chief United States District Judge
January 6, 2011