

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

Jonathan H. Dodge, :
 :
 Petitioner, :
 :
 v. :
 :
 State of New Hampshire, :
 Andrew Pallito, Commissioner, :
 Vermont Department of :
 Corrections :
 :
 Respondents. :
 _____ :

Case No. 1:13-cv-222-jgm

ORDER
(Doc. 11)

The Magistrate Judge’s Report and Recommendation (“R&R”) was filed December 6, 2013. (Doc. 11.) Petitioner Jonathan H. Dodge filed pro se Objections. (Docs. 13, 16). This Court has reviewed the R&R and Objections de novo and finds the objections to be without merit. See Fed. R. Civ. P. 72(b)(3); 28 U.S.C. § 636(b) (requiring district court to determine de novo any part of the magistrate judge's disposition for which objections have been properly made).

The R&R is AFFIRMED, APPROVED and ADOPTED. Respondent State of New Hampshire’s Motion to Dismiss (Doc. 3) and Respondent Andrew Pallito’s Motion to Dismiss (Doc. 4) are GRANTED. Dodge’s Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus (Doc. 1) is DENIED with prejudice on the four issues set forth in Michigan v. Doran, 439 U.S. 282, 289 (1978), but should not impact his ability to attack the New Hampshire criminal proceedings in an appropriate forum based on the alleged defects in those proceedings. Dodge’s Motion for Bail (Doc. 7) and Emergency Motion to Stay the Governor’s Warrant (Doc. 10) are DENIED AS MOOT.

Pursuant to Fed. R. App. P. 22(b), the Court DENIES petitioner a certificate of appealability (“COA”) because the petitioner failed to make a substantial showing of a denial of a constitutional right. See 28 U.S.C. § 2253(c)(2). The Court rejects the petition on its merits because the petitioner has failed to demonstrate that reasonable jurists would find the Court’s “assessment of the constitutional claims debatable or wrong.” Slack v. McDaniel, 529 U.S. 473, 120 S. Ct. 1595, 1604, 146 L. Ed. 2d 542 (2000).

It is further certified that any appeal taken in forma pauperis from this Order would not be taken in good faith because such an appeal would be frivolous. See 28 U.S.C. § 1915(a)(3).

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 31st day of March, 2014.

/s/ J. Garvan Murtha
Honorable J. Garvan Murtha
United States District Judge