Mabe v. Vermont Department of Corrections, Commissioner of the et al Doc. 12

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

MATTHEW J. MABE,	:	
Petitioner,	:	
v.	:	**File No. 1:14-cv-12-jgm**
COMMISSIONER OF THE VERMONT DEPARTMENT OF CORRECTIONS and STATE OF VERMONT,	:	
Respondents.	:	

ORDER

The Magistrate Judge's Report and Recommendation was filed October 1, 2014. (Doc. 11.) After de novo review and absent objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1).

The Petitioner has not responded to the Magistrate Judge's Order to show cause why the Court should not vacate the stay imposed on May 22, 2014 and dismiss the petition. Accordingly, the stay is VACATED, and Mabe's petition seeking a writ of habeas corpus under 28 U.S.C. § 2254 is DISMISSED.

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 October, 2014.

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

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