

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

UNITED STATES OF AMERICA,

v.

DAVID HILTON,  
Defendant

Criminal No. 97-78-P-C

Civil No. 02-235-P-C

**ORDER AFFIRMING THE AMENDED  
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

The United States Magistrate Judge filed with the Court on March 26, 2003, with copies to the *pro se* Defendant and to counsel, her Amended Recommended Decision on 28 U.S.C. § 2255 Motion and Motion for Bond (Docket Item No. 105). The Government filed its objection to the Recommended Decision on April 11, 2003 (Docket Item No. 108), to which objection Defendant filed his response on May 9, 2003 (Docket Item No. 109). This Court having reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record, and having made a *de novo* determination of all matters adjudicated by the Magistrate Judge's Recommended Decision, and concurring with the recommendations of the United States Magistrate Judge for the reasons set forth in her Recommended Decision, and having determined that no further proceeding is necessary; it is **ORDERED** as follows:

- (1) The objection of the Government is hereby **DENIED**.

- (2) The Recommended Decision of the Magistrate Judge is hereby **AFFIRMED**.
- (3) The Government's motion to file a late response to Defendant Hilton's motion for release on bond is hereby **GRANTED**.
- (4) Defendant Hilton's motion to vacate his conviction is hereby **GRANTED**.
- (5) Defendant Hilton's motion for a hearing to determine if he is eligible for release on bond is hereby **GRANTED**, and the motion is **REFERRED** to the Magistrate Judge, such hearing to be held by him as expeditiously as his calendar will permit.

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GENE CARTER  
Senior United States District Judge

Dated at Portland, Maine this 15<sup>th</sup> day of May, 2003.

[Counsel list follows.]

Criminal No. 97-78-P-C

**Plaintiff**

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**USA**

represented by **F. MARK TERISON**  
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**Defendant(s)**

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**DAVID HILTON (1)**  
*TERMINATED: 10/25/2001*

represented by **DAVID HILTON**  
PRO SE

**PETER E. RODWAY**  
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*Designation: CJA Appointment*

Civil No. 02-235-P-C

Plaintiff

**DAVID HILTON**

represented by **DAVID HILTON**  
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V.

**Defendant**

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**USA**