

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

UNITED STATES OF AMERICA,

Plaintiff

v.

JOHN WAYNE MYERS,

Defendant

Criminal No. 00-104-P-C

Civil No. 03-190-P-C

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

The United States Magistrate Judge filed with the Court on November 25, 2003, with copies to the *pro se* Defendant and to counsel, her Recommended Decision on 28 U.S.C. § 2255 Motion in the above-entitled matter (Docket Item No. 44). The time for filing objections thereto was extended, on motion of the Defendant, to December 30, 2003 (Docket Item No. 46). The time for the filing of objections has expired without any objections having been filed; *see* 28 U.S.C. § 636(b)(1). This Court has reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record, and has made a *de novo* determination of all matters adjudicated by the Magistrate Judge's Recommended Decision. This Court concurs 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, **ORDERS** as follows:

- (1) The Recommended Decision of the Magistrate Judge is hereby **AFFIRMED**;

- (2) Defendant's 28 U.S.C. § 2255 Motion is hereby **DENIED** without an evidentiary hearing.

GENE CARTER
Senior United States District Judge

Dated at Portland, Maine this 5th day of January, 2004.

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