

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

DAMON HOWZE,)	
)	
PETITIONER)	
)	
v.)	CIVIL No. 10-492-P-H
)	
PATRICIA BARNHART, WARDEN,)	
MAINE STATE PRISON,)	
)	
RESPONDENT)	

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

On March 21, 2011, the United States Magistrate Judge filed with the court, with copies to the parties, her Amended Recommended Decision on 28 U.S.C. § 2254 Petition. The petitioner filed his objection to the Recommended Decision on April 6, 2011. I have reviewed and considered the Recommended Decision, together with the entire record; I have made a *de novo* determination of all matters adjudicated by the Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in the Recommended Decision, and determine that no further proceeding is necessary.

It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **ADOPTED**. The petitioner's request for 28 U.S.C. § 2254 relief is **DENIED**.

Finally, I find that no certificate of appealability shall issue in the event the petitioner files a notice of appeal because there is no substantial showing of the denial of a constitutional right within the meaning of 28 U.S.C. § 2253(c).

SO ORDERED.

DATED THIS 13TH DAY OF APRIL, 2011

/s/D. BROCK HORNBY
D. BROCK HORNBY
UNITED STATES DISTRICT JUDGE

**U.S. DISTRICT COURT
DISTRICT OF MAINE (PORTLAND)
CRIMINAL DOCKET No. 2:10cv492(DBH)**

Damon Howze,

Petitioner

Represented By **Damon Howze, Pro Se**
No. 101581
Bolduc Correctional Facility
516 Cushing Road
Warren, ME 04264

v.

**Patricia Barnhart, Warden, Maine
State Prison,**

Respondent

Represented By **Donald W. Macomber**
Assistant Attorney General
Criminal Division
State House Station 6
Augusta, ME 04333-0006
(207) 626-8800
email:
donald.w.macomber@maine.gov