

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

UNITED STATES OF AMERICA)	
)	
)	
)	CRIMINAL No. 2:06-cv-62-DBH-01
v.)	(CIVIL No. 2:13-cr-282-DBH)
)	
RYAN BUTTERWORTH,)	
)	
DEFENDANT/MOVANT)	

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

On November 13, 2013, the United States Magistrate Judge filed with the court, with copies to the parties, her Recommended Decision on 28 U.S.C. § 2255 Motion. The movant filed his objection to the Recommended Decision on November 29, 2013. 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, as amended or clarified below, and determine that no further proceeding is necessary.

It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **ADOPTED**. The movant's motion for habeas relief under 28 U.S.C. § 2255 is **DENIED**.

It is **ORDERED** that a certificate of appealability shall issue on the retroactive application of Alleyne v. United States, 133 S. Ct. 2151 (2013),

because the Court of Appeals for the First Circuit has not yet ruled on this constitutional issue. 28 U.S.C. § 2253(c).

SO ORDERED.

DATED THIS 18TH DAY OF DECEMBER, 2013

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

**U.S. DISTRICT COURT
DISTRICT OF MAINE (PORTLAND)
CRIMINAL DOCKET No. 2:06-CR-62-DBH-01**

United States of America

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