

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

UNITED STATES OF AMERICA,)	
)	
v.)	CRIMINAL No. 2:11-CR-08-DBH
)	CIVIL No. 2:14-cv-205-DBH
ERIC MURDOCK,)	
)	
DEFENDANT/PETITIONER)	

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

On May 6, 2015, the United States Magistrate Judge filed with the court, with copies to the parties, his Recommended Decision on 28 U.S.C. § 2255 Motion.

The petitioner filed his objection to the Recommended Decision on May 28, 2015. 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

It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **ADOPTED**. The petitioner's motion was not timely filed under 28 U.S.C. § 2255(f)(2), (3) and (4), but the petitioner has established a *prima facie* case that he timely filed the motion in accordance with section 2255(f)(1).

Therefore, the government's request for summary dismissal is **DENIED**. The Magistrate Judge shall set further deadlines in this case.

SO ORDERED.

DATED THIS 17TH DAY OF JUNE, 2015

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

**U.S. DISTRICT COURT
DISTRICT OF MAINE (PORTLAND)
CRIMINAL DOCKET No. 2:11-CR-08-DBH**

United States of America

Represented By Margaret D. McGaughey
Assistant United States Attorney
Office of the United States Attorney
District Of Maine
100 Middle Street Plaza
Portland, ME 04101
(207) 780-3257
email:
margaret.mcgaughey@usdoj.gov

v.

**Eric Murdock,
Defendant**

Represented By Eric Murdock, Pro Se
No. 93684-038
FCI Allenwood Medium, Unit 1-A
P.O. Box 2000
White Deer, PA 17887