

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

UNITED STATES OF AMERICA,)	
)	
)	
v.)	CRIMINAL NO. 2:11-CR-113-DBH
)	(CIVIL NO. 2:14-CV-505-DBH)
SHAWN SAYER,)	
)	
DEFENDANT/PETITIONER)	

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

On August 20, 2015, the United States Magistrate Judge filed with the court, with copies to the parties, his Recommended Decision on 28 U.S.C. § 2255 and 18 U.S.C. § 3582 Motions. The time within which to file objections expired on September 8, 2015, and no objections have been filed. The Magistrate Judge notified the parties that failure to object would waive their right to *de novo* review and appeal.

It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **ADOPTED**. An evidentiary hearing is not warranted under Rule 5 of the Rules Governing Section 2255 Cases. The petitioner's 28 U.S.C. § 2255 Motion is **DENIED** and I **DENY** a certificate of appealability pursuant to Rule 11 of the Rules Governing Section 2255 Cases because there is no substantial showing of the denial of a constitutional right within the meaning of 28 U.S.C. § 2253(c)(2). The petitioner's 18 U.S.C. § 3582 motion for a sentence reduction is **DENIED**.

SO ORDERED.

DATED THIS 21ST DAY OF SEPTEMBER, 2015

/s/D. BROCK HORNBY

D. BROCK HORNBY
UNITED STATES DISTRICT JUDGE

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE (PORTLAND)
CRIMINAL DOCKET NO. 2:11-CR-113-DBH**

United States of America

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v.

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