

**UNITED STATES DISTRICT COURT  
District of Maine**

<b>BORIS AYALA,</b>	)	
	)	
<b>Movant</b>	)	
	)	
<b>v.</b>	)	<b>Crim No. 06-56-P-S</b>
	)	<b>Civil No. 10-29-P-S</b>
<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Respondent</b>	)	
	)	

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

The United States Magistrate Judge filed with the Court on September 3, 2010, her Recommended Decision (Docket No. 126). Defendant filed his Objection to the Recommended Decision (Docket No. 127) on September 24, 2010.

I have reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; I have made a de novo determination of all matters adjudicated by the Magistrate Judge's Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in her Recommended Decision, and determine that no further proceeding is necessary.

1. It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **AFFIRMED**.
2. It is hereby **ORDERED** that Movant's Motion to Vacate Pursuant to 28 U.S.C. § 2255 (Docket No. 115) is **DENIED**.

3. It is further hereby **ORDERED** that a certificate of appealability should not issue in the event that Movant 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)(2).

/s/George Z. Singal

U.S. District Judge

Dated this 27<sup>th</sup> day of September, 2010

**Defendant (2)**

**BORIS AYALA**

*TERMINATED: 04/05/2007*

*also known as*

**HECTOR LUIS GONZALEZ**

*TERMINATED: 04/05/2007*

*also known as*

**DOG**

*TERMINATED: 04/05/2007*

*also known as*

**KB**

*TERMINATED: 04/05/2007*

represented by **BORIS AYALA**

65635-179

FCI MCKEAN

P.O. BOX 8000

BRADFORD, PA 16701

PRO SE

**DAVID R. BENEMAN**

FEDERAL DEFENDER'S OFFICE

P.O. BOX 595

PORTLAND, ME 04112-0595

207-553-7070 ext. 101

Fax: 207-553-7017

Email: David.Beneman@fd.org

**LEAD ATTORNEY**

**ATTORNEY TO BE NOTICED**

*Designation: Public Defender or*

*Community Defender Appointment*

**Pending Counts**

conspiracy to possess with intent to  
distribute cocaine and cocaine base;

21:841(a)(1) and 846

(1)

possess with intent to distribute  
cocaine and aiding and abetting the  
commission of those crimes;

21:841(a)(1) and 18:2

(2-3)

**Disposition**

Imprisonment for a term of 262  
months on Count 1 and 240 on each  
of Counts 2 and 3 to be served  
concurrently; Life on each of Counts  
1, 2, & 3 to be served  
concurrently; Special Assessment of  
\$100 on each count

Imprisonment for a term of 262  
months on Count 1 and 240 on each  
of Counts 2 and 3 to be served  
concurrently; Life on each of Counts  
1, 2, & 3 to be served  
concurrently; Special Assessment of

\$100 on each count

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

None

**Disposition**

**Highest Offense Level  
(Terminated)**

None

**Complaints**

None

**Disposition**

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**Plaintiff**

USA

represented by **DANIEL J. PERRY**  
U.S. ATTORNEY'S OFFICE  
DISTRICT OF MAINE  
100 MIDDLE STREET PLAZA  
PORTLAND, ME 04101  
207-780-3257  
Email: dan.perry@usdoj.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**MARGARET D. MCGAUGHEY**  
U.S. ATTORNEY'S OFFICE  
DISTRICT OF MAINE  
100 MIDDLE STREET PLAZA  
PORTLAND, ME 04101  
(207) 780-3257  
Email:  
margaret.mcgaughey@usdoj.gov  
*ATTORNEY TO BE NOTICED*