

**UNITED STATES DISTRICT COURT
District of Maine**

UNITED STATES OF AMERICA,)	
)	
Plaintiff)	
)	Crim. No. 2:89-cr-24-S
v.)	Civ. No. 2:10-cv-392-S
)	
GERMAIN RAMIREZ-FERNANDEZ,)	
)	
Defendant)	
)	

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

The United States Magistrate Judge filed with the Court on October 12, 2010, her Recommended Decision (Docket No. 175). Defendant filed his Objection to the Recommended Decision (Docket No. 176) on November 1, 2010. Defendant filed a Certificate of Criminal Conviction which was produced by the Republic of Cuba (Docket No. 177) which the Court considers as an Attachment to Defendant's Objection to the Recommended Decision.

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 Defendant's 28 U.S.C. § 2255 Motion (Docket No. 171) is **DISMISSED**.

3. Should Ramirez-Fernandez file an appeal, this Court would grant a Certificate of Appealability because there is conceivably a substantial showing of the denial of a constitutional right within the meaning of 28 U.S.C. § 2253(c)(2). The certificate is limited to the issue of whether under the principle set forth in Magwood this Court has jurisdiction to entertain the Petition under 28 U.S.C. § 2255(f)(4).

/s/George Z. Singal

U.S. District Judge

Dated this 23rd day of November, 2010.

Defendant (1)

**GERMAIN RAMIREZ-
FERNANDEZ**

TERMINATED: 06/09/1993

also known as

**GERMAIN FERNANDEZ-
RAMIREZ**

also known as

GERMAN RAMIREZ

also known as

HERMAN

represented by **GERMAIN RAMIREZ-
FERNANDEZ**

LORETTO

F.C.I. OTISVILLE

**FEDERAL CORRECTIONAL
INSTITUTION**

Inmate Mail/Parcels

P.O. BOX 1000

LORETTO, PA 15940

PRO SE

**WILLIAM W. MCCANDLESS ,
JR.**

**16 MERRYMEETING DRIVE
PORTLAND, ME 04103**

878-5868

TERMINATED: 12/18/1989

ATTORNEY TO BE NOTICED

Designation: CJA Appointment

Pending Counts

**CONSPIRACY TO POSSESS WITH
INTENT TO DISTRIBUTE IN
EXCESS OF 500 GRAMS OF
COCAINE**

(1)

Highest Offense Level (Opening)

Felony

Disposition

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

None

Disposition

Assigned to: JUDGE GENE
CARTER

Defendant (2)

ELMELINDO LUNA, JR
TERMINATED: 06/09/1993
also known as
JUNIOR

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

None

Disposition

Assigned to: JUDGE GENE
CARTER

Appeals court case numbers: 1-10inCV91-411-P-C, 1st, 2ND, transcriptsNos.10-22

Defendant (3)

JOHN JAIRO ZULETA-ALVAREZ

TERMINATED: 06/09/1993

also known as

JOHN ZULETA

represented by **JOHN JAIRO ZULETA-ALVAREZ**

Reg. No. 02745-036

G Unit

P.O. Box 6001

Ashland, KY 41105-6001

PRO SE

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Assigned to: JUDGE GENE CARTER

Defendant (4)

JUAN CARLOS HURTADO-ZULUAGA

TERMINATED: 05/02/1995

also known as

JUAN HURTADO

Pending Counts

None

Highest Offense Level (Opening)

None

Terminated Counts

21:846 Conspiracy to possess with intent to distribute in excess of 500 grams of cocaine
(1)

21:841 Possession with intent to distribute cocaine
(11)

21:841 Possession with intent to distribute cocaine
(13)

Highest Offense Level (Terminated)

Felony

Complaints

None

Disposition

Disposition

Counts dismissed upon Motion by the Government to Dismiss Indictment

Counts dismissed upon Motion by the Government to Dismiss Indictment

Counts dismissed upon Motion by the Government to Dismiss Indictment

Disposition

Assigned to: JUDGE GENE CARTER

Defendant (5)

RALPH GUTHZEIT
TERMINATED: 06/09/1993

represented by **RALPH GUTHZEIT**
Reg. No. 02750-036
FCI Ft. Dix
P.O. Box 2000
Ft. Dix, NJ 08646
PRO SE

BRUCE M. MERRILL
225 COMMERCIAL STREET
SUITE 501
PORTLAND, ME 04101

775-3333
Email: mainelaw@maine.rr.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

None

Disposition

Assigned to: JUDGE GENE
CARTER

Defendant (6)

STEVEN J KONAN, JR
TERMINATED: 06/09/1993

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

None

Disposition

Assigned to: JUDGE GENE
CARTER

Defendant (7)

RICHARD ALAN WEST
TERMINATED: 06/09/1993
also known as
DICKY WEST

represented by **DAVID R. BENEMAN**
FEDERAL DEFENDER'S OFFICE
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

None

Disposition

Assigned to: JUDGE GENE

CARTER

Defendant (8)

CORA FRANCES CRESSEY

TERMINATED: 06/09/1993

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

None

Disposition

Assigned to: JUDGE GENE
CARTER

Defendant (9)

RANDALL ALLEN NOWELL

TERMINATED: 06/09/1993

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level
(Terminated)

None

Complaints

None

Disposition

Assigned to: JUDGE GENE
CARTER

Defendant (10)

JOSE CHARLES LUNA
TERMINATED: 06/09/1993
also known as
CHARLIE

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level
(Terminated)

None

Complaints

None

Disposition

Plaintiff

USA
TERMINATED: 05/02/1995

represented by **F. MARK TERISON**
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