

**UNITED STATES DISTRICT COURT
District of Maine**

THOMAS PAUL BRICHETTO, JR.,)	
)	
Plaintiff)	
)	
v.)	Crim. No. 2:03-cr-24-GZS
)	Civil No. 2:11-cv-45-GZS
UNITED STATES OF AMERICA,)	
)	
Defendant)	
)	

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

The United States Magistrate Judge filed with the Court on February 11 2011, her Recommended Decision (Docket No. 138). Plaintiff filed his Objection to the Recommended Decision (Docket No. 141) on March 10, 2011.

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 Plaintiff's Motion for Writ of Error Coram Nobis (Doc. No. 134) is hereby recharacterized as a 28 U.S.C. § 2255 Petition and as such, is summarily **DISMISSED** because it is an unauthorized second or successive Petition.

3. It is hereby **ORDERED** that no certificate of appealability shall issue in the event Plaintiff 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 31st day of March, 2011.

Defendant (1)

**THOMAS PAUL BRICHETTO,
JR**

TERMINATED: 05/19/2004

represented by **THOMAS PAUL BRICHETTO,
JR**

87810-198
HAZELTON
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PRO SE

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

BANK ROBBERY, ASSAULT
WITH A DEADLY
WEAPON:Armed Bank Robbery,
18:2113(a) and (d). Aiding and
Abetting, 18:2
(1)

VIOLENT
CRIME/DRUGS/MACHINE GUN:
Using and Carrying a Firearm (and
Brandishing) in Relation to a Crime
of Violence, 18:924(c)(1)(A)(ii)
(2)

Disposition

Imprisoned for a term of 300 months
on Count 1; Supervised Release for a
term of 5 years ; Special Assessment
of ; Fine Waived

Imprisoned for a term of 84 months
on Count 2 to be served
consecutively to Count 1; Supervised
Release of 5 years to be served
concurrently with Count 1

UNLAWFUL TRANSPORT OF
FIREARMS, ETC: Felon in
Possession of Firearm, 18922(g)(1).
18:924E.F: ARMED CAREER
CRIMINAL, 18:924(e).
(3)

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

18:2113A.F armed bank robbery of
Gorham Regional Federal Credit
Union and aiding and abetting
COUNT I, 18:924C.F used and
carried a firearm (.25 caliber Mauser
pistol) during and in relation to a
crime of violence COUNT II,
18:922G.F possession of a firearm by
a felon COUNT III

Disposition

Witness

DAVID NANOS

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Witness

SCOTT JOHNSON

Witness

JAMES BRICHETTO

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Witness

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Material Witness

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Material Witness

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Plaintiff

USA

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