

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

KAYA SIMIONS,)	
)	
Movant)	
v.)	2:09-cr-199-GZS
)	2:11-cv-154-GZS
UNITED STATES OF AMERICA,)	
)	
Respondent)	

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

No objections having been filed to the Magistrate Judge's Recommended Decision (Docket No. 52) filed January 9, 2012, the Recommended Decision is **AFFIRMED**.

Accordingly, it is **ORDERED** that Movant's 28 U.S.C. § 2255 Motion is **DENIED**. It is **ORDERED** that a certificate of appealability shall 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 as contemplated by 28 U.S.C. § 2253(c)(2).

/s/ George Z. Singal
United States District Judge

Dated this 6th day of February, 2012.

Defendant (1)

KAYA SIMIONS
TERMINATED: 05/19/2010

represented by **KAYA SIMIONS**
05601-036
USP CANAAN
US PENITENTIARY
PO BOX 300
WAYMART, PA 18472
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
ATTORNEY TO BE NOTICED
Designation: Public Defender or
Community Defender Appointment

Pending Counts

POSSESSION OF A FIREARM
BY A FELON, 18:922(g)(1) AND
924(e).
(1)

Disposition

Imprisonment: 180 months;
Supervised Release: 5 years;
Special Assessment: \$100.

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level
(Terminated)

None

Complaints

None

Disposition

Plaintiff

USA

represented by **DARCIE N. MCELWEE**
U.S. ATTORNEY'S OFFICE
DISTRICT OF MAINE
100 MIDDLE STREET PLAZA
PORTLAND, ME 04101
207-771-3227
Email: darcie.mcelwee@usdoj.gov

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