

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
	)	
<b>v.</b>	)	<b>No. 2:00-cr-00077-GZS</b>
	)	
<b>MITCHELL WALL,</b>	)	
	)	
<b>Defendant</b>	)	
	)	

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

The United States Magistrate Judge filed with the Court on April 2 2013, her Recommended Decision (ECF No. 76). Defendant filed his Objection to the Recommended Decision (ECF No. 78) on April 15, 2013.

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 the Court considers Defendant's Motion for an Evidentiary Hearing a second motion pursuant to 28 U.S.C. §2255; therefore, it is **ORDERED** that the motion (ECF No. 75) is **SUMMARILY DISMISSED WITHOUT PREJUDICE** to Defendant's right to pursue whatever relief is available in the First Circuit Court of Appeals.

3. It is hereby **ORDERED** that no certificate of appealability pursuant to Rule 11 of the Rules Governing Section 2255 cases shall be issued should Defendant seek to appeal this order because there is no substantial showing of the denial of a constitutional right within the meaning of 28 U.S.C. § 2253(c)(2).

4. To the extent that Defendant's Objection is interpreted to request that this Court transfer the recommended decision to the First Circuit Court of Appeals for decision, that request is **DENIED**. The Court will however consider the request as a Notice of Appeal.

/s/George Z. Singal

U.S. District Judge

Dated this 16th day of April, 2013.

**Defendant (1)**

**MITCHELL WALL**

*TERMINATED: 07/01/2002*

represented by **MITCHELL WALL**

USP ALLENWOOD

PO BOX 3000

WHITEDEER, PA 17887

PRO SE

**NEALE A. DUFFETT**

CLOUTIER, CONLEY &

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*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

*Designation: Retained*

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**Pending Counts**

21:841A=ND.F NARCOTICS -  
SELL, DISTRIBUTE, OR  
DISPENSE; Distribute Cocaine,  
841(a)(1)  
(1)

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

None

**Highest Offense Level  
(Terminated)**

None

**Complaints**

**Disposition**

The defendant is hereby committed to the custody of the U.S. Bureau of Prisons to be imprisoned for the remainder of his natural life; Upon release from imprisonment, on the sentence imposed in Criminal No. 00-CR-77-P-C, the defendant shall be on supervised release for a term of six (6) years; Special Assessment of ; Fine Waived; Restitution of ,109.89

**Disposition**

**Disposition**

None

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**Material Witness**

**DEBRA LEACH**

*TERMINATED: 09/17/2001*

represented by **GAIL M. LATOUF**  
LAW OFFICES OF GAIL M.  
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*LEAD ATTORNEY*  
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**Plaintiff**

**USA**

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