

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

<b>BRYAN BLACK,</b>	)	
	)	
<b>Movant</b>	)	
	)	
<b>v.</b>	)	<b>No. 2:07-cr-00029-GZS</b>
	)	<b>No. 2:12-cv-00360-GZS</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 March 29, 2013, her Recommended Decision (ECF No. 320). Defendant filed his Objection to the Recommended Decision (ECF No. 321) 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 summarily **DENIES** Defendant's Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. §2255 (ECF No. 308).

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).

/s/ George Z. Singal  
United States District Judge

Dated this 8th day of May, 2013.

**Defendant (1)**

**BRYAN BLACK**

*TERMINATED: 04/13/2009*

represented by **BRYAN BLACK**

04682-036

FCI SCHUYLKILL

FEDERAL CORRECTIONAL  
INSTITUTION

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**Pending Counts**

INTERFERENCE WITH  
COMMERCE BY ROBBERY,  
18:1951(a), 2  
(1)

USE OF A FIREARM DURING  
AND IN RELATION TO A CRIME  
OF VIOLENCE; 18:924(c)(1)(A)(ii)  
(2)

POSSESSION OF A FIREARM BY  
A FELON, 18:922(g)(1)  
(3)

**Disposition**

145 months imprisonment. This term consists of 99 months on each of counts one, three, and four, to be served concurrently to each other and 46 months on count two, to be served consecutively to each of counts one, three, and four; 3 years supervised release on counts one and four, and 5 years on counts two and three, to be served concurrently; \$100.00 special assessment on each count; \$1,369.94 restitution ordered joint and several with Timothy Riley, criminal docket number 2:06-CR-47-P-S.

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COMMERCE BY ROBBERY,  
18:1951(a), 2  
(4)

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**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 **DARCIE N. MCELWEE**

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