

**UNITED STATES DISTRICT COURT
District of Maine**

THOMAS PAUL BRICHETTO, JR.)	
)	
Movant,)	
)	
v.)	No. 2:03-CR-00024-GZS
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

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

The United States Magistrate Judge filed with the Court on August 28, 2013, her Recommended Decision (ECF No. 162). Movant filed his Objection to the Recommended Decision ECF No. 164) on September 16, 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 Movant's Motion to Re-open his Habeas Petition under 28 U.S.C. §2255 is **DENIED WITHOUT PREJUDICE** to Movant's right to file a new 28 U.S.C. §2255 motion should Movant ever obtain the First Circuit Court of Appeal's certification to do so.

3. It is hereby **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 within the meaning of 28 U.S.C. §2253(c).

/s/George Z. Singal

U.S. District Judge

Dated this 7th day of October, 2013.

Defendant (1)

**THOMAS PAUL BRICHETTO,
JR**

TERMINATED: 05/19/2004

represented by **THOMAS PAUL BRICHETTO,
JR**

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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

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

of Violence, 18:924(c)(1)(A)(ii)
(2)

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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