

**UNITED STATES DISTRICT COURT  
District of Maine**

<b>LIONEL LUSSIER,</b>	)	
	)	
<b>Movant</b>	)	
	)	
<b>v.</b>	)	<b>No. 1:94-cr-00011-GZS</b>
	)	<b>No. 1:13-cv-00474-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 January 6, 2014, her Recommended Decision (ECF No. 212). Movant filed his Objection to the Recommended Decision (ECF No. 213) on January 27, 2014.

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 Movant's 28 U.S.C. § 2255 Motion (ECF No. 211) is hereby **DENIED**.

3. It is hereby **ORDERED** that Movant is **DENIED** a certificate of appealability pursuant to Rule 11 of the Rules Governing Section 2255 Cases 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 18th day of February, 2014.

**Defendant (3)**

**LIONEL F LUSSIER**

*TERMINATED: 12/19/1994*

represented by **LIONEL F LUSSIER**

39621-066

LORETTO

FEDERAL CORRECTIONAL

INSTITUTION

Inmate Mail/Parcels

P.O. BOX 1000

LORETTO, PA 15940

PRO SE

**WILLIAM MASELLI**

LAW OFFICE OF WILLIAM

MASELLI

98 WASHINGTON AVE

PORTLAND, ME 04101

207-780-8400

Email: [maselli@securespeed.net](mailto:maselli@securespeed.net)

*TERMINATED: 12/19/1994*

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

*Designation: Retained*

**Pending Counts**

21:846 MARIHUANA-SELL,  
DISTRIBUTE, OR DISPENSE  
(Conspiracy to Possess with Intent to  
Distribute Less than 50 Kilograms of  
Marijuana)

(1)

**Disposition**

60 months imprisonment on Count 1  
and 318 months on Count 3, to run  
concurrently. 60 months on Count 2  
to be served consecutively to that  
imposed on Counts 1 & 3. Total  
sentence of 378 months; Deft  
remanded to custody of US Marshal;  
Supervised release of 5 years; Special

18:924 FIREARMS (18:924(c) and 18:2 -- Use or Carrying of a Firearm During and in Relation to a Drug Trafficking Offense)  
(2)

18:922 FIREARMS (18:922(g)(1), 924(e)(1) and (2) -- Possession of a Firearm by a Convicted Felon and Armed Career Criminal)  
(3)

Assessment of \$150; Restitution of \$966.59, joint & several.

60 months imprisonment on Count 1 and 318 months on Count 3, to run concurrently. 60 months on Count 2 to be served consecutively to that imposed on Counts 1 & 3. Total sentence of 378 months; Deft remanded to custody of US Marshal; Supervised release of 5 years; Special Assessment of \$150; Restitution of \$966.59, joint & several.

60 months imprisonment on Count 1 and 318 months on Count 3, to run concurrently. 60 months on Count 2 to be served consecutively to that imposed on Counts 1 & 3. Total sentence of 378 months; Deft remanded to custody of US Marshal; Supervised release of 5 years; Special Assessment of \$150; Restitution of \$966.59, joint & several.

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

None

**Highest Offense Level (Terminated)**

None

**Complaints**

None

**Disposition**

**Disposition**

---

**Interested Party**

**KIMBERLY COSTA**

represented by **BRETT D. BABER**  
LANHAM BLACKWELL, P.A.  
133 BROADWAY

BANGOR, ME 04401  
207-942-2898  
Fax: 207-941-8818  
Email:  
bbaber@lanhamblackwell.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: CJA Appointment*

---

**Plaintiff**

**USA**

represented by **F. MARK TERISON**  
U.S. ATTORNEY'S OFFICE  
DISTRICT OF MAINE  
100 MIDDLE STREET PLAZA  
PORTLAND, ME 04101  
(207) 780-3257  
Email:  
USAME.FormerAusa@usdoj.gov  
*LEAD ATTORNEY*  
*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  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**RAYMOND C. HURLEY**  
MCCLOSKEY, MINA, CUNNIFF,  
LLC  
12 CITY CENTER  
PORTLAND, ME 04101  
(207)772-6805  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**JONATHAN R. CHAPMAN**  
U.S. ATTORNEY'S OFFICE

DISTRICT OF MAINE  
100 MIDDLE STREET PLAZA  
PORTLAND, ME 04101  
207-780-3257  
Email: [jon.chapman@usdoj.gov](mailto:jon.chapman@usdoj.gov)  
*ATTORNEY TO BE NOTICED*