

**UNITED STATES DISTRICT COURT
District of Maine**

MICHAEL BERK,)	
)	
Movant)	
)	
v.)	No. 2:08-cr-00212-GZS
)	2:13-cv-00061-GZS
UNITED STATES,)	
)	
Respondent)	
)	

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

The United States Magistrate Judge filed with the Court on October 17, 2013, her Recommended Decision (ECF No. 167). Movant filed his Objection to the Recommended Decision (ECF No. 184) on February 28, 2014. Respondent filed its Response to Movant’s Objection to the Recommended Decision (ECF No. 187) on March 25, 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 Movant's 28 U.S.C. § 2255 Motion (ECF No. 151) is **DENIED**.
3. It is hereby **ORDERED** that no certificate of appealability shall issue 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. It is hereby **ORDERED** that Petitioner's Motion for Leave to file Amended Petition (ECF No. 183) is **DENIED**.

/s/George Z. Singal
U.S. District Judge

Dated this 27th day of March, 2014.

Defendant (1)

MICHAEL A BERK
TERMINATED: 10/26/2009

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Pending Counts

ENTICING A MINOR, 18:2422(b)
(1s-2s)

POSSESSION OF CHILD
PORNOGRAPHY,
18:2252A(a)(5)(B)
(3s)

Disposition

200 Months of Imprisonment on
Counts 1 and 2 and 120 Months on
Count 3 to be served concurrently to
each other; 5 years Supervised
Release on each of Counts 1,2, and 3
to be served concurrently; \$300
Special Assessment

200 Months of Imprisonment on
Counts 1 and 2 and 120 Months on
Count 3 to be served concurrently to
each other; 5 years Supervised
Release on each of Counts 1,2, and 3
to be served concurrently; \$300

Special Assessment

Highest Offense Level (Opening)

Felony

Terminated Counts

USING A FACILITY OF
INTERSTATE COMMERCE TO
COERCE OR ENTICE A FEMALE,
18:2422(b)
(1-2)

Disposition

Superseded

**Highest Offense Level
(Terminated)**

Felony

Complaints

18:2422.F enticing a minor to engage
in illegal sexual activity, 18:2422(b)

Disposition

Plaintiff

USA

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