

**UNITED STATES DISTRICT COURT
District of Maine**

JAMES CRUZ,)	
)	
Petitioner)	
)	
v.)	No. 2:96-cr-00076-GZS
)	2:14-cr-00250-GZS
UNITED STATES OF AMERICA,)	
)	
Respondent)	
)	

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

The United States Magistrate Judge filed with the Court on June 30, 2014, his Recommended Decision (ECF No. 181). Petitioner filed his Objection to the Recommended Decision (ECF No. 182) on July 21, 2014. Petitioner filed a Supplemental Objection to the Recommended Decision (ECF No. 183) on August 5, 2014. Petitioner filed an additional Supplemental Objection to the Recommended Decision (ECF No. 185) on August 11, 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 his 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 Petitioner's Section 2255 Motion (ECF No. 180) is **DISMISSED**.

3. It is hereby **ORDERED** that a certificate of appealability shall not be issued 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 12th day of August, 2014.

Defendant (1)

JAMES CRUZ

TERMINATED: 10/06/1997

represented by **JAMES CRUZ**

03584-036

FCI OTISVILLE

TWO MILE DRIVE

OTISVILLE, NY 10963

PRO SE

PETER E. RODWAY

RODWAY & HORODYSKI

30 CITY CENTER

PORTLAND, ME 04104

773-8449

Email: rodlaw@maine.rr.com

TERMINATED: 10/06/1997

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: CJA Appointment

Pending Counts

21:841(a)(1) and 846 NARCOTICS -
SELL, DISTRIBUTE, OR
DISPENSE
(1s)

Disposition

Defendant shall be imprisoned for total term of 360 months on each of counts 1,8,9,10 and 12; Defendant shall be imprisoned for a term of 120 months on Count 11 to be served concurrently to term imposed on Counts 1,8,9,10 and 12; On Count 7, defendant shall be imprisoned for a

18:924(c)(1) Using and carrying a
firearm during and in relation to a
drug trafficking crime
(7s)

18:922(g)(1) Felon in possession of a
firearm
(8s-10s)

term of 6 months to be served
consecutively to the sentences
imposed on counts 1,8,9,10,11 and
12; Defendant sentenced to a term of
8 years of supervised release on
Count 1, and 6 years on each of
counts 8,9,10, and 12 and 3 years on
each of counts 7 and 11, to be served
concurrently with each other; Special
Assessment of \$700.00.

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total term of 360 months on each of
counts 1,8,9,10 and 12; Defendant
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concurrently to term imposed on
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imposed on counts 1,8,9,10,11 and
12; Defendant sentenced to a term of
8 years of supervised release on
Count 1, and 6 years on each of
counts 8,9,10, and 12 and 3 years on
each of counts 7 and 11, to be served
concurrently with each other; Special

26:5841, 5861(d) and 5871
possession of an unregistered sawed-
off shotgun
(11s)

18:922(g)(3) possession of a firearm
in and affecting commerce by an
unlawful user of controlled
substances
(12s)

Highest Offense Level (Opening)

Felony

Terminated Counts

21:841A=ND.F NARCOTICS -

Assessment of \$700.00.

Defendant shall be imprisoned for total term of 360 months on each of counts 1,8,9,10 and 12; Defendant shall be imprisoned for a term of 120 months on Count 11 to be served concurrently to term imposed on Counts 1,8,9,10 and 12; On Count 7, defendant shall be imprisoned for a term of 6 months to be served consecutively to the sentences imposed on counts 1,8,9,10,11 and 12; Defendant sentenced to a term of 8 years of supervised release on Count 1, and 6 years on each of counts 8,9,10, and 12 and 3 years on each of counts 7 and 11, to be served concurrently with each other; Special Assessment of \$700.00.

Defendant shall be imprisoned for total term of 360 months on each of counts 1,8,9,10 and 12; Defendant shall be imprisoned for a term of 120 months on Count 11 to be served concurrently to term imposed on Counts 1,8,9,10 and 12; On Count 7, defendant shall be imprisoned for a term of 6 months to be served consecutively to the sentences imposed on counts 1,8,9,10,11 and 12; Defendant sentenced to a term of 8 years of supervised release on Count 1, and 6 years on each of counts 8,9,10, and 12 and 3 years on each of counts 7 and 11, to be served concurrently with each other; Special Assessment of \$700.00.

Disposition

SELL, DISTRIBUTE, OR
DISPENSE

(1)

18:922(g)(1) FELON IN
POSSESSION OF A FIREARM OR
AMMUNITION.

(3-5)

26:5841, 5861(d), and 5871
POSSESSION OF AN
UNREGISTERED SAWED-OFF
SHOTGUN

(6)

Highest Offense Level
(Terminated)

Felony

Complaints

None

Disposition

Plaintiff

USA

represented by **GEORGE T. DILWORTH**
DRUMMOND WOODSUM
84 MARGINAL WAY
SUITE 600
PORTLAND, ME 04101-2480
207-772-1941
Email: tdilworth@dwmlaw.com
(Inactive)
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