

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

LEWIS SIMMONS )  
 )  
 Petitioner, )  
 )  
 v. ) Civil No. 1:11-cv-00419-NT  
 )  
 STATE OF MAINE, )  
 )  
 Respondent. )

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

The United States Magistrate Judge filed with the Court on June 8, 2012 her Report and Recommended Decision (Docket No. 13). The Petitioner filed his Objection to the Report and Recommended Decision (Docket No. 16) on July 18, 2012.

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 further ORDERED that the Petitioner is denied relief under 28 U.S.C. § 2254, with prejudice, and his petition is DISMISSED.
3. It is further ORDERED that in the event the Petitioner files a notice of appeal, no certificate of appealability will issue.

SO ORDERED.

/s/ Nancy Torresen  
UNITED STATES DISTRICT JUDGE

Dated this 21<sup>st</sup> day of August, 2012.

**Petitioner**

**LEWIS SIMMONS**

represented by **LEWIS SIMMONS**  
MAINE STATE PRISON  
807 CUSHING RD  
WARREN, ME 04864  
PRO SE

V.

**Respondent**

**STATE OF MAINE**  
*TERMINATED: 04/30/2012*

represented by **DONALD W. MACOMBER**  
OFFICE OF THE ATTORNEY  
GENERAL  
STATE HOUSE STATION 6  
AUGUSTA, ME 04333-0006  
626-8800  
Email:  
donald.w.macomber@maine.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Respondent**

**PATRICIA BARNHART**  
*Warden at the Maine State Prison*

represented by **DONALD W. MACOMBER**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Notice Only Party**

**MAINE ATTORNEY  
GENERAL - HABEAS CASES  
*TERMINATED: 12/22/2011***