

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

FRANK ARBOUR,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 07-26-B-W
)	
UNITED STATES OF AMERICA,)	Criminal No. 02-73-B-W-02
)	
Defendant.)	

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

No objections having been filed to the Magistrate Judge's Recommended Decision filed May 23, 2007, the Recommended Decision is accepted.

Accordingly, it is hereby ORDERED that the portion of Plaintiff's 28 U.S.C. § 2255 Petition (Docket # 1) that seeks reinstatement of the direct appeal be and hereby is GRANTED and the Clerk is directed to enter a notice of appeal on behalf of the Defendant in the underlying case and to arrange for the appointment of counsel on appeal. It is further ORDERED that the remaining portions of the Plaintiff's 28 U.S.C. § 2255 Petition be held in abeyance. The stay hereby entered will be lifted following the direct appeal and the Petition can then be determined on its merits.

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
UNITED STATES DISTRICT JUDGE

Dated this 18th day of June, 2007

Petitioner

FRANK ARBOUR

represented by **FRANK ARBOUR**
191575
WESTCHESTER
DEPARTMENT OF
CORRECTIONS
PO BOX 10
VALHALLA, NY 10595
PRO SE

V.

Respondent

**UNITED STATES OF
AMERICA**

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