

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

FOSTER BATES,)
)
 Petitioner,)
)
 v.) CV-09-6-B-W
)
 STATE OF MAINE,)
)
 Respondent.)

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

No objection having been filed to the Magistrate Judge's Recommended Decision filed January 14, 2009, the Recommended Decision is accepted.

Accordingly, it is hereby ORDERED that the 28 U.S.C. § 2254 Petition (Docket # 1) be and hereby is DISMISSED without prejudice.

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

Dated this 9th day of February, 2009

Petitioner

FOSTER BATES

represented by **FOSTER BATES**
52366
MAINE STATE PRISON
807 CUSHING RD
WARREN, ME 04864
PRO SE

V.

Respondent

MAINE, STATE OF

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