

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

DAVID CUMMING,)
)
 Petitioner,)
 v.) Civil No. 09-302-B-W
)
 STATE OF MAINE,)
)
 Respondent.)

AMENDED¹
ORDER AFFIRMING THE
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE

The United States Magistrate Judge filed with the Court on July 26, 2009 his Recommended Decision. The Plaintiff filed his objections to the Recommended Decision on August 4, 2009. 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 further ORDERED that the Petitioner's 28 U.S.C. § 2255 Petition (Docket #1) be and herby is DENIED.

¹ To correct typographical error.

3. It is further ORDERED that no certificate of appealability should issue in the event the Petitioner files a notice of appeal because there is no substantial showing of the denial of a constitutional right within the meaning of 28 U.S.C § 2253(c)(2).

SO ORDERED.

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

Dated this 12th day of August, 2009

Petitioner

DAVID CUMMING

represented by **DAVID CUMMING**
1883
MAINE STATE PRISON
807 CUSHING RD
WARREN, ME 04864
PRO SE

V.

Notice Only Party

**MAINE ATTORNEY GENERAL -
HABEAS CASES**

V.

Respondent

MAINE, STATE OF