

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

UNITED STATES OF AMERICA)
)
) CR-07-83-B-W-02
)
)
MARY CHASE)

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

On November 30, 2009, Mary Chase, acting *pro se*, moved for an order granting early release. *Def.'s Mot. for Order Granting Early Release* (Docket # 129). The Court referred her motion to the Magistrate Judge for recommended decision and on January 4, 2010, the Magistrate Judge issued her Recommended Decision, recommending that the motion either be denied or dismissed so that it could be brought in the venue where Ms. Chase is currently imprisoned. *Recommended Dec.* at 6 (Docket # 130). Objections were due on January 21, 2010, but Ms. Chase failed to file a timely objection and on January 25, 2010, the Court affirmed the Recommended Decision. *Order Affirming the Recommended Dec. of the Magistrate Judge* (Docket # 132).

Later that same day, Ms. Chase filed a motion asking the Court to extend the time for her objections to the Recommended Decision to February 22, 2010. *Def.'s Mot. Requesting Extension of Time to Resp. to U.S. Magistrate Judge's Recommended Dec.* (Docket # 133). The Court granted her motion for extension, but only to February 12, 2010. *Order Granting Mot. for Extension* (Docket # 134). In excess of caution, the Court waited until February 22, 2010, the date Ms. Chase had requested for an extension, before ruling on her objection to the

Recommended Decision. Ms. Chase has failed, however, to file her memorandum within either the time allowed by the Court or the time she herself requested.

Although Ms. Chase objected to the Magistrate Judge's Recommended Decision, she has failed to explain the basis for her objection. The Court has reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record, and has made a *de novo* determination of all matters adjudicated by the Magistrate Judge's Recommended Decision. For the reasons set forth in her Recommended Decision dated January 4, 2010, the Court adopts the Magistrate Judge's Recommended Decision.

In the Recommended Decision, the Magistrate Judge suggested the Court adopt one of two alternatives: either deny Ms. Chase's motion on the merits or dismiss her motion because of improper venue. The effect of the denial would be preclusive; the effect of the dismissal would allow Ms. Chase to initiate a new motion in the district where she is currently incarcerated. Based on its review of the Magistrate Judge's well reasoned opinion, the Court has reservations about the merits of Ms. Chase's position, but in the exercise of discretion, concludes that it is wiser to allow Ms. Chase (if she chooses to do so) to present her argument to a court in an appropriate venue than to foreclose her from making the argument at all.

It is hereby ORDERED that the Defendant's Motion for Order Granting Early Release Eligibility (Docket # 129) be and hereby is DISMISSED as it should have been brought as a motion pursuant to 28 U.S.C. § 2241 in the venue where the Defendant is currently imprisoned.

SO ORDERED.

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

Dated this 23rd day of February, 2010

Defendant (2)

MARY CHASE

TERMINATED: 12/23/2008

represented by **MARY CHASE**

11220-036

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