

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

ROBERT PAYZANT, JR.,                    )  
  )  
                          Petitioner,            )  
  )  
                  v.                                )                    1:11-cv-00321-JAW  
  )  
PATRICIA BARNHART,                    )  
  )  
  )  
                          Respondent.        )

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

On August 23, 2011, Robert Payzant filed a petition for writ of habeas corpus following his conviction and sentencing for robbery, aggravated assault, and theft, alleging ineffective assistance of counsel and constitutional deficiencies with the state court proceedings. (Docket # 1). The United States Magistrate Judge filed her Recommended Decision on February 8, 2012. *Recommended Decision* (Docket # 14). On March 16, 2012,<sup>1</sup> Mr. Payzant objected to the Recommended Decision. *Pl.’s Objections to the Magistrate Judge’s Report and Recommended Decision Denying § 2254 Relief* (Docket # 18).

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 therein. The Court concurs with the

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<sup>1</sup> Mr. Paysant requested and received additional time to file objections. *Mot. to Extend Time to File Objections to the Recommended Decision* (Docket # 15); *Order Granting Mot. to Extend Time* (Docket # 17).

recommendations of the Magistrate Judge for the reasons set forth in her Recommended Decision and determines 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 Petitioner's 28 U.S.C. § 2254 Petition (Docket # 1) is DENIED WITH PREJUDICE and DISMISSED.
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).

SO ORDERED.

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

Dated this 21st day of March, 2012

**Petitioner**

**ROBERT PAYZANT, JR**

represented by **ROBERT PAYZANT, JR**  
MAINE STATE PRISON  
807 CUSHING RD  
WARREN, ME 04864  
PRO SE

V.

**Respondent**

**PATRICIA BARNHART**  
*Warden*

represented by **DONALD W. MACOMBER**  
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*ATTORNEY TO BE NOTICED*

V.

**Notice Only Party**

**MAINE ATTORNEY GENERAL -  
HABEAS CASES**

*TERMINATED: 10/25/2011*