

UNITED STATES DISTRICT COURT

DISTRICT OF MAINE

UNITED STATES OF AMERICA

v.

JEFFREY D. STEARNS,
Defendant/Petitioner

Criminal No. 01-101-P-C

Civil No. 03-92-P-C

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

The United States Magistrate Judge having filed with the Court on July 24, 2003, with copies to the *pro se* Petitioner and to counsel, her Recommended Decision in the above-entitled matter; and the time for filing objections thereto having expired without any objections having been filed; *see* 28 U.S.C. § 636(b)(1); and this Court having reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; and having made a *de novo* determination of all matters adjudicated by the Magistrate Judge's Recommended Decision; and this Court concurring with the recommendations of the United States Magistrate Judge for the reasons set forth in her Recommended Decision, and having determined that no further proceeding is necessary; it is **ORDERED** as follows:

- (1) The Recommended Decision of the Magistrate Judge is hereby **AFFIRMED**.
- (2) Defendant/Petitioner Stearns's motion is hereby **GRANTED** to the extent that he requests to have his right to file an appeal reinstated, and it is hereby **DISMISSED**, without adjudication on the merits, as to the other grounds raised in the petition.

GENE CARTER
Senior United States District Judge

Dated at Portland, Maine this 4th day of September, 2003.