

Appendix

United States Court of Appeals For the First Circuit

No. 22-1577

CAREY ACKIES,

Petitioner - Appellant,

v.

UNITED STATES,

Respondent - Appellee.

Before

Barron, Chief Judge,
Lynch and Howard, Circuit Judges.

JUDGMENT

Entered: July 19, 2023

Petitioner-Appellant Carey Ackies seeks a certificate of appealability ("COA") to appeal from the denial of his § 2255 petition in the district court. After careful review of all of petitioner's submissions and of the record below, we conclude that that the district court's disposition of the petition was neither debatable nor wrong, and that petitioner has therefore failed to make "a substantial showing of the denial of a constitutional right." 28 U.S.C. §2253(c)(2); see Slack v. McDaniel, 529 U.S. 473, 484 (2000). Accordingly, Ackies' motion for a COA is denied.

The appeal is hereby terminated.

So ordered.

By the Court:

Maria R. Hamilton, Clerk

cc:

Carey Ackies
Frank Todd Lowell
Michael Conley
Benjamin M. Block

United States Court of Appeals For the First Circuit

No. 22-1577

CAREY ACKIES,

Petitioner - Appellant,

v.

UNITED STATES,

Respondent - Appellee.

ORDER OF COURT

Entered: September 9, 2022
Pursuant to 1st Cir. R. 27.0(d)

This court has docketed petitioner-appellant's appeal from the denial of his petition for writ of habeas corpus under 28 U.S.C. § 2255. The case cannot go forward unless a certificate of appealability issues. 28 U.S.C. § 2253. The district court declined to issue a certificate of appealability on June 9, 2022. Petitioner-appellant has filed a motion for a certificate of appealability in the court of appeals.

Accordingly, the above captioned case will be submitted to this court for a determination whether a certificate of appealability should issue. If a certificate is denied, the appeal will be terminated.

By the Court:

Maria R. Hamilton, Clerk

cc:

Carey Ackies
Benjamin M. Block
Michael Conley
Frank Todd Lowell

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

CAREY ACKIES,)
v.)
Petitioner,) 2:20-cv-00457-GZS
) Docket no. 2:16-cr-00020-GZS
)
UNITED STATES OF AMERICA,)
)
Respondent.))

ORDERING AFFIRMING RECOMMENDED DECISON

On May 11, 2022, the United States Magistrate Judge filed with the Court his Recommended Decision (ECF No. 298). On May 24, 2022, Petitioner filed his Objection to the Recommended Decision (ECF No. 299). Petitioner thereafter was granted leave to supplement his objection to add relevant documents for the Court's consideration (ECF Nos. 300 & 301).

The Court has reviewed and considered both the Objection and the supplemental filings made by Petitioner, along with the entire record. Having made a de novo determination of all matters adjudicated by the Magistrate Judge's Recommended Decision, the Court concurs with the recommendations of the Magistrate Judge for the reasons set forth in that order. As a result, the Court determines that no further proceedings are necessary with respect to this Recommended Decision.

It is therefore **ORDERED** that:

1. The Recommended Decision (ECF No. 298) is hereby **AFFIRMED**.
2. An evidentiary hearing is not warranted under Rule 8 of the Rules Governing Section 2255 cases.

3. Petitioner's Motion for habeas relief pursuant to 28 U.S.C. § 2255 (ECF No. 274) is hereby **DENIED**.

A certificate of appealability pursuant to Rule 11 of the Rules Governing Section 2255 Cases is hereby **DENIED** 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/ George Z. Singal
United States District Judge

Dated this 9th day of June, 2022.

CERTIFICATE OF SERVICE

I hereby certify that:

9 All other parties to this litigation are either: (1) represented by attorneys; or
(2) have consented to electronic service in this case; or

9 On Oct 4th, 2023 I sent a copy of this Motion for Leave to
[date]

Proceed on Appeal without Prepayment of Costs or Fees, to:

U.S. Attorney General

[name of party]

at 950 Pennsylvania Ave. NW, Washington, DC 20530
[address]

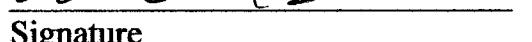
the last known address/email address, by

U.S. mail

[method of service]

Oct 4th 2023

Date


Signature