

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

NICHOLAS SKOBY, )  
)  
Petitioner, )  
v. ) 1:11-cr-00208-JAW  
)  
UNITED STATES OF AMERICA, )  
)  
Respondent. )

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

On June 22, 2016, Nicholas Skoby filed a motion to vacate his sentence pursuant to 28 U.S.C. § 2255. *Mot. Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sent. By a Person in Fed. Custody* (ECF No. 69). On June 27, 2016, the Magistrate Judge issued a recommended decision in which he concluded that Mr. Skoby's petition was a second or successive petition and recommended that the Court transfer it to the Court of Appeals for the First Circuit for further disposition. *Recommended Decision* (ECF No. 70). Mr. Skoby has not objected to the recommended decision.

Having performed a de novo review of the petition and the recommended decision and having made a de novo determination, the Court AFFIRMS the Recommended Decision of the Magistrate Judge (ECF No. 70). The Court ORDERS (1) that the pending § 2255 petition be transferred to the Court of Appeals for the First Circuit pursuant to 28 U.S.C. § 1631 and First Circuit Rule 22.1(e). The Court further recommends that the Court of Appeals DENY a certificate of appealability pursuant to Rule 11 of the Rules Governing Section 2255 Cases 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.  
UNITED STATES DISTRICT JUDGE

Dated this 16th day of September, 2016