

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA OF
SOUTHERN DIVISION

SERGIO RIOS,)	
)	
Petitioner,)	
v.)	CASE NO. 1:08-cv-0059-MEF
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

On November 5, 2009, the Magistrate Judge filed a Recommendation (Doc. #10) in this case to which no timely objections have been filed. Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is the

ORDER, JUDGMENT and DECREE of the court that:

1. The Recommendation of the Magistrate Judge is ADOPTED.
2. That the motion to vacate pursuant to 28 U.S.C. § 2255 is DENIED as untimely and that this case is DISMISSED with prejudice.

DONE this the 1st day of December, 2009.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE