

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

RODERICK DEWAYNE NEAL,)	
)	
Petitioner,)	
)	
v.)	1:15-cv-290-LSC
)	(WO)
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

MEMORANDUM OF OPINION

On May 1, 2017, the magistrate judge filed his report and recommendation in the above-styled cause, recommending that this motion to vacate, set aside, or correct sentence filed pursuant to 28 U.S.C. § 2255 be denied and this action dismissed with prejudice. To date, no objections have been filed by either party.

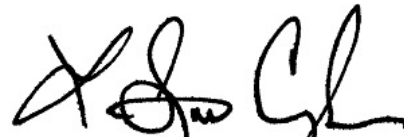
Having now carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the report is due to be and hereby is ADOPTED, and the recommendation is ACCEPTED. Consequently, the motion filed pursuant to 28 U.S.C. § 2255 in the above-styled cause is due to be DISMISSED WITH PREJUDICE.

Additionally, this Court may issue a certificate of appealability “only if the applicant has a made a substantial showing of the denial of a constitutional right.”

28 U.S.C. § 2253(c)(2). To make such a showing, a “petitioner must demonstrate that reasonable jurists would find the district court’s assessment of the constitutional claims debatable and wrong,” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000), or that “the issues presented were adequate to deserve encouragement to proceed further.” *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003) (internal quotations omitted). This Court finds that the petitioner’s claims do not satisfy either standard.

An order of dismissal will be entered contemporaneously herewith.

DONE AND ORDERED ON JUNE 12, 2017.



L. SCOTT COOGLER
UNITED STATES DISTRICT JUDGE

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