

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

JOSE ANTONIO MANCILLA,)	
)	
Petitioner,)	
)	
v.)	CASE NO. 1:15-CV-313-WKW
)	[WO]
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

On April 18, 2017, the Magistrate Judge filed a Recommendation (Doc. # 12) to which no timely objections have been filed. Upon an independent review of the record and upon consideration of the Recommendation, it is ORDERED that

- (1) The Recommendation (Doc. # 12) is ADOPTED on grounds that Petitioner's motion is untimely under 28 U.S.C. § 2255(f)¹;
- (2) Petitioner's motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255 (Doc. # 2) is DENIED; and
- (3) This action is DISMISSED with prejudice.

¹ The Recommendation includes a footnote that incorrectly states that *Padilla v. Kentucky*, 559 U.S. 356 (2010), was decided *after* Mancilla was sentenced. (*See* Doc. # 12, at 3 n.2.) Although this footnote is superfluous to the Recommendation's ultimate finding of untimeliness, this Order clarifies that Mancilla's sentencing post-dated *Padilla*.

A separate final judgment will be entered.

DONE this 30th day of May, 2017.

/s/ W. Keith Watkins
CHIEF UNITED STATES DISTRICT JUDGE