-CSC Price v. USA (INMATE 3) Doc. 28

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

DAVID G. PRICE,	)	
	)	
Petitioner,	)	
v.	)	CASE NO. 2:99-cv-1183-MEF
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

O R D E R

After an independent review of the file, it is the ORDER, JUDGMENT and DECREE of the court that:

(1) The petitioner's Objection to the Magistrate Judge Recommendation (Doc. #26) filed on November 22, 2010 is overruled;

(2) The Recommendation of the United States Magistrate Judge (Doc. #25) entered on November 5, 2010 is adopted;

(3) Price's motion for relief from judgment is DISMISSED as a successive § 2255 motion insofar as his conviction and sentence are being collaterally attacked, and to the extent Price's claims allege fraud upon the court pursuant to Rule 60(d)(3) is DENIED, and the judgment denying his original § 2255 motion stands.

DONE this the 21st day of December, 2010.

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

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