

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

CEDRIC HOWARD,	)	
	)	
Petitioner,	)	
	)	
vs.	)	CIVIL ACTION NO. 2:07cv354-WHA
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**ORDER**

Upon consideration of Petitioner’s Motion for Reinstatement of Petitioner’s Motion and Objection to Magistrate Judge Report and Recommendation (Doc. #12), the motion is GRANTED, and it is hereby

ORDERED that this court’s order (Doc. #10) and Final Judgment (Doc. #11), entered on October 10, 2007, are VACATED and SET ASIDE.

The court has now conducted an independent evaluation and *de novo* review of this case, including the Report and Recommendation of the Magistrate Judge (Doc. #2), entered on May 1, 2007, and the Plaintiff’s Objection (Doc. #13). Having done so, the court finds Petitioner’s Objections to be without merit, offering nothing to establish that his Motion to Vacate, Set Aside or Correct Sentence (Doc. #1) was not, in effect, a successive § 2255 motion filed without the required authorization from the Eleventh Circuit Court of Appeals. Therefore, the Objection is OVERRULED, the court ADOPTS the Recommendation of the Magistrate Judge, and it is hereby

ORDERED that Petitioner's Motion to Vacate, Set Aside or Correct Sentence (styled Motion for Reconsideration of Sentencing Court Decision at Sentencing Hearing) is DENIED, and this case is hereby DISMISSED. Final Judgment will be entered accordingly.

DONE this 11th day of December, 2007.

/s/ W. Harold Albritton  
W. HAROLD ALBRITTON  
SENIOR UNITED STATES DISTRICT JUDGE