Green v. United States of America (INMATE3) Doc. 16

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

QUINCY O'NEAL GREEN,	)	
	)	
Movant,	)	
	)	
v.	)	CASE NO. 2:10-CV-149-WKW
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

ORDER

No objections having been received to the Recommendation of the Magistrate Judge (Doc. # 15), and after an independent review, it is ORDERED as follows:

(1) The Recommendation is ADOPTED;

(2) The motion to vacate Mr. Green's sentence[1] (Doc. # 1) is DENIED as time-barred, pursuant to 28 U.S.C § 2255(f), and;

(3) This action is DISMISSED with prejudice.

DONE this 18th day of August, 2010.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE

[1] Further, the court finds that the Magistrate Judge appropriately construed Mr. Green's motion as one made under section 2255, despite Mr. Green's insistence on framing his motion as one for a writ of *audita querela*. (Doc. # 15, at 2-5.)

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