

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

MARCUS JENKINS,	)	
	)	
Petitioner,	)	
	)	
vs.	)	CIVIL ACTION NO. 2:10cv377-WHA
	)	
UNITED STATES OF AMERICA,	)	(WO)
	)	
Respondent.	)	

**ORDER**

This case is before the court on the Recommendation of the Magistrate Judge (Doc. #15), entered on May 3, 2012, and Petitioner’s Objections (Doc. #16), filed on May 16, 2012.

The court has conducted an independent evaluation and *de novo* review of the entire file, and, having done so, concludes that the objections are without merit and are due to be overruled.

In his objections, Jenkins re-asserts the arguments he presented in this § 2255 motion. The court agrees with the conclusion of the Magistrate Judge that the affidavits submitted by Jenkins’ former attorneys and the evidence from the psychiatric evaluation performed on Jenkins were sufficient to overcome any claims that he was incompetent and also that his attorneys should have pursued a sentence reduction based on his supposed mental disabilities.

Jenkins also claims that the Recommendation incorrectly stated that he did not file a reply to the USA’s response to his § 2255 motion. The court’s records in this case do not show that Jenkins filed a reply. He includes with his objections what he says was his reply, however, there is no date on this document and no indication that it was filed with the court at any time before it was included as Exhibit A to Petitioner’s Objections. In any event, the document which

Jenkins claims was his reply does not contain any arguments that he did not raise elsewhere and that were not accounted for in the Magistrate Judge's Recommendation.

Therefore, Petitioner's objections to the Recommendation are OVERRULED, the court ADOPTS the Recommendation of the Magistrate Judge, and the Petitioner's 28 U.S.C. § 2255 motion is DENIED with prejudice. Final Judgment will be entered accordingly.

DONE this 19th day of June, 2012.

/s/ W. Harold Albritton

W. HAROLD ALBRITTON

SENIOR UNITED STATES DISTRICT JUDGE