

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

ANDREW XAVIER SALERY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 2:17-cv-419-ALB
	)	
UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

**ORDER**

On March 17, 2020, the Magistrate Judge filed a Recommendation (Doc. 16) to which timely objections have been filed, (Doc. 20). After an independent review of the record, the Recommendation, and the objections filed to the Recommendation, the Court concludes that Plaintiff Andrew Xavier Salery’s objections should be overruled and the Magistrate Judge’s Recommendation is due to be adopted.

Salery’s objection does not identify any error in the Magistrate Judge’s report and recommendation. To the extent it restates his ineffective assistance of counsel claims, those claims were properly addressed in the report and recommendation. To the extent it attempts to raise new ineffective assistance claims for the first time, those claims have been waived for the failure to include them in the 2255 motion.

Accordingly, it is ORDERED as follows:

1. The Recommendation of the Magistrate Judge (Doc. 16) is ADOPTED;

2. Salery's objections (Doc. 20) are **OVERRULED**;

3. Salery's 28 U.S.C. § 2255 motion is **DENIED** and this case is **DISMISSED**  
with prejudice.

A separate final judgment will be entered.

**DONE** and **ORDERED** this 12th day of June 2020.

/s/ Andrew L. Brasher  
**ANDREW L. BRASHER**  
**UNITED STATES DISTRICT JUDGE**