Royster v. United States of America

Doc. 11

FILED
2014 Sep-29 AM 10:23
U.S. DISTRICT COURT
N.D. OF ALABAMA

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

WILLIE SEAY ROYSTER, JR,	)	
	)	
Movant,	)	
	)	
v.	)	Case Number: 2:12-cv–08028-JHH-JHE
	)	
UNITED STATES,	)	
	)	
Respondent.	)	
	)	

MEMORANDUM OPINION

On September 8, 2014, the magistrate judge entered a Report and Recommendation, (doc. 10), recommending that this motion to vacate, set aside, or correct sentence be **DENIED**. No objections have been filed. The court has considered the entire file in this action, together with the report and recommendation, and has reached an independent conclusion that the report and recommendation is due to be adopted and approved.

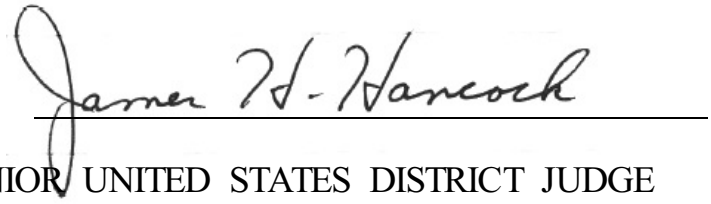
Accordingly, the court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions of this court. The motion to vacate, set aside, or correct sentence is due to be **DISMISSED**. A separate Order will be entered.

This Court may issue a certificate of appealability "only if the applicant has a made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). To make such a showing, a "petitioner must demonstrate that a reasonable jurist would find the district court's assessment of the constitutional claims debatable and wrong," *Slack v. McDaniel*, 529 U.S. 473, 484 (2000), or that "the issues presented were adequate to deserve encouragement to proceed further."

Dockets.Justia.com

Miller-El v. Cockrell, 537 U.S. 322, 336 (2003) (internal quotations omitted). This Court finds the movant's claims do not satisfy either standard.

DONE this 29th day of September 2014.



SENIOR UNITED STATES DISTRICT JUDGE