

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

JOSEPH ALAN KELLY,)	
)	
Movant/Defendant,)	
)	Case Numbers:
vs.)	4:18-cv-8027-CLS-TMP
)	4:05-cr-0256-CLS-TMP
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

MEMORANDUM OPINION

This action is before the court on the motion to vacate, set aside, or correct sentence, filed by Joseph Alan Kelly.¹ The magistrate judge to whom the case was referred entered a Report and Recommendation, recommending that the petition be denied as time-barred.² Petitioner filed an objection to the Report and Recommendation.³

Having carefully reviewed and considered *de novo* all the materials in the court file, including the magistrate judge's Report and Recommendation and petitioner's objections thereto, the court is of the opinion that the magistrate judge's findings are

¹ See doc. no. 1, in case no. 4:18-cv-8027-CLS-TMP.

² Doc. no. 9 (Report and Recommendation), in case no. 4:18-cv-8027-CLS-TMP.

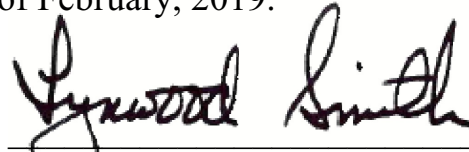
³ Doc. no. 12 (Traverse to Magistrate Judge's R & R), in case no. 4:18-cv-8027-CLS-TMP.

due to be, and they hereby are, ADOPTED, and his recommendation is ACCEPTED.
Petitioner's objections are OVERRULED.

Further, because the petition does not present issues that are debatable among jurists of reason, a certificate of appealability is also due to be denied. *See* 28 U.S.C. § 2253(c); *Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000).

A separate Final Order will be entered.

DONE and ORDERED this 15th day of February, 2019.



United States District Judge