

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

LAPICTETUS AUSHAW COLEMAN)

v.

UNITED STATES OF AMERICA)

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**Civil Action No.
5:12-CV-08040-VEH-HGD**

MEMORANDUM OPINION

On October 31, 2012, the magistrate judge’s report and recommendation was entered and the parties were allowed therein fourteen (14) days in which to file objections to the recommendations made by the magistrate judge. On November 10, 2012, petitioner filed objections to the magistrate judge’s report and recommendation.

After careful consideration of the record in this case and the magistrate judge’s report and recommendation and the petitioner’s objections thereto, the court hereby **ADOPTS** the report of the magistrate judge. The court further **ACCEPTS** the recommendations of the magistrate judge that the Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2255 be dismissed for failure to comply with 28 U.S.C. §§ 2255(h) and 2244(b)(3) and, in the alternative, that it be denied as time-barred.

A separate order in conformity with this Memorandum Opinion will be entered contemporaneously herewith.

DONE and **ORDERED** this the 3rd day of December, 2012.

A handwritten signature in cursive script, appearing to read "V. Emerson Hopkins", written in black ink.

VIRGINIA EMERSON HOPKINS
United States District Judge