

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

KIM CURTISS DANNER,)
)
Movant,)
)
v.)
)
UNITED STATES OF AMERICA,)
)
Respondent.)
)

Case Number: 5:12-cv-08041-VEH-JHE
5:07-cr-370-VEH-RRA

MEMORANDUM OPINION

On December 29, 2014, the magistrate judge entered a Report and Recommendation, (doc. 11), 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 reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong,” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000), or that “the issues presented were adequate to deserve encouragement to proceed further,”

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

DONE this 20th day of January, 2015.



VIRGINIA EMERSON HOPKINS
United States District Judge