

1 he was prejudiced in anyway by any alleged failure of counsel to press non-meritorious
2 issues. The Magistrate Judge recommended that Gentry's motion be denied and
3 dismissed with prejudice.

4 On July 17, 2013 Gentry filed timely objections to the Magistrate Judge's Report
5 and Recommendation which the Court finds to be without merit. Rather the Court finds
6 itself in agreement with the Report and Recommendation of the Magistrate Judge.

7 IT IS ORDERED overruling Gentry's objections to the Report and
8 Recommendation.

9 IT IS FURTHER ORDERED adopting the Report and Recommendation of the
10 Magistrate Judge as the Order of this Court.

11 IT IS FURTHER ORDERED that Gentry's Motion Under 28 U.S.C. § 2255 to
12 Vacate, Set Aside or Correct Sentence by a Person in Federal Custody is denied.

13 IT IS FURTHER ORDERED denying any Certificate of Appealability and leave
14 to proceed in forma pauperis on appeal. The denial of the Petition is justified by a plain
15 procedural bar and jurists of reason would not find the procedural ruling debatable and
16 because Petitioner has not made a substantial showing of the denial of a constitutional
17 right.

18 Dated this 20th day of December, 2013.

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22 Susan R. Bolton
23 United States District Judge
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