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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

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9	Jerry James George,)	No. CR-05-00709-PCT-NVW
10	Defendant/Movant,)	No. CV-09-08226-PCT-NVW (MEA)
11	vs.)	ORDER
12	United States of America,)	
13	Plaintiff/Respondent.)	
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16 Before the Court is Defendant’s “Objections and Protest to the Order Issued on
17 January 20th 2011 Due to the Courts Abuse of Discretion of Overlooking Constitutional
18 Violations of 5th and 14th Due Process Rights of the Report and Recommendation” (Doc.
19 41) and “Motion for Reconsideration Pursuant to the Federal Rules of Civil Procedure 59(e)
20 and Rule 60(b) to Redocket this Case for the Court to Respond to the Objections and
21 Reconsider the Newly Discovered Evidence and Perjured Testimony by Authorities and
22 Other Witnesses of this Case” (Doc. 42). Magistrate Judge Mark Aspey filed a Report and
23 Recommendation (“R&R”) on Defendant’s Motion to Vacate, Set Aside or Correct Sentence
24 pursuant to 28 U.S.C. Section 2255 (Doc. 1) on January 21, 2011 (Doc. 36). The R&R
25 notified the parties that, pursuant to Fed. R. Civ. P. 72(b), they had fourteen days within
26 which to file objections to the R&R. Having received no objections after the fourteen days
27 expired, the Court issued its order accepting the R&R on February 9, 2011 (Doc. 39).


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1 Defendant's objection to the R&R (Doc. 41) is dated February 4, 2011; however, the
2 Court did not receive the objection until February 16, 2011. Although Defendant's objection
3 thus appears to have been untimely filed, the Court has nonetheless considered it. However,
4 neither Defendant's objections to the R&R (Doc. 41) or his arguments in his motion for
5 reconsideration (Doc. 42) are sufficiently meritorious to persuade the Court that the R&R
6 should not have been adopted.

7 IT IS THEREFORE ORDERED that Defendant's "Motion for Reconsideration
8 Pursuant to the Federal Rules of Civil Procedure 59(e) and Rule 60(b) to Redocket this Case
9 for the Court to Respond to the Objections and Reconsider the Newly Discovered Evidence
10 and Perjured Testimony by Authorities and Other Witnesses of this Case" (Doc. 42) is
11 granted to the extent that the Court has considered Defendant's objections and denied to the
12 extent it seeks that the Court's February 9, 2011 Order be amended, altered, or vacated.

13 IT IS FURTHER ORDERED that Defendant's "Objections and Protest to the Order
14 Issued on January 20th 2011 Due to the Courts Abuse of Discretion of Overlooking
15 Constitutional Violations of 5th and 14th Due Process Rights of the Report and
16 Recommendation" (Doc. 41) is denied.

17 DATED this 10th day of March, 2011.

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20 Neil V. Wake
21 United States District Judge
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