

United States District Court  
for the  
Southern District of Florida

Hervé Wilmore, Movant,	)	
	)	
v.	)	Civil Action No. 17-60278-Civ-Scola
	)	
United States of America,	)	
Respondent.	)	

**Order Adopting Magistrate Judge’s Report And Recommendation**

This case was referred to United States Magistrate Judge Patrick A. White, consistent with Administrative Order 2003-19 of this Court, for a ruling on all pre-trial, nondispositive matters and for a report and recommendation on any dispositive matters. On March 12, 2018, Judge White issued a report, recommending that Wilmore’s motion to vacate be denied on the merits, and that the Court deny the motion to amend (ECF No. 41) as futile because the proposed additional claim is time barred. (Report of Magistrate, ECF No. 42.) Wilmore filed objections to the report (ECF Nos. 43, 44).

The Court has considered Judge White’s report, Wilmore’s objections, the record, and the relevant legal authorities. The Court finds Judge White’s report and recommendation cogent and compelling. The Court **affirms and adopts** Judge White’s report and recommendation (ECF No. 41). The Court therefore **denies** the motion to vacate (**ECF No. 1**) and the motion to amend (**ECF No. 41**). The Court does not issue a certificate of appealability. Finally, the Court directs the Clerk to **close** this case. Any pending motions are denied as moot.

**Done and ordered** at Miami, Florida, on April 12, 2018.

Robert N. Scola, Jr.  
United States District Judge