

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

CASE NO.: 10-20943-CIV-KING
(CASE NO.: 06-20583-CR-KING)

MARIA M. GARCIA,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

_____ /

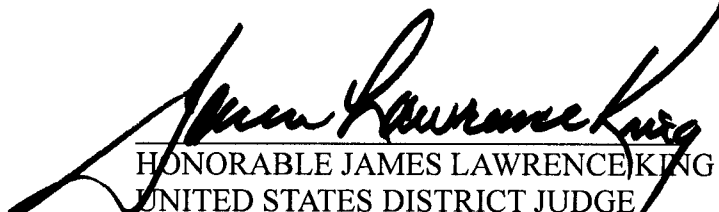
ORDER ADOPTING REPORT AND RECOMMENDATION,
DENYING MOTION TO VACATE

THIS CAUSE comes before the Court upon Magistrate Judge Patrick A. White's November 10, 2010 Report and Recommendation (DE #7) upon Ms. Garcia's motion to vacate under 28 U.S.C. §2255 (DE #1). Specifically, Ms. Garcia sought to vacate her sentence for conspiracy to commit mail fraud after she pled guilty in criminal case number 06-20583-cr-KING. Magistrate Judge White considered Ms. Garcia's motion at some length, addressing the numerous bases for review proposed by Ms. Garcia. Magistrate Judge White determined that Ms. Garcia's motion to vacate should be denied without evidentiary hearing. Ms. Garcia filed an Objection (DE #8) on November 29, 2010, wherein she claimed that there had been an abuse of discretion and prosecutorial misconduct, both of which resulted in violation of her "substantial rights and affected the fairness, integrity, or public representation of [the judicial] proceeding." (DE #8 at 4).

After careful consideration, the Court determines that Magistrate Judge White's Report and Recommendation contains well-reasoned recommendations. The Report and Recommendation is thorough and exhaustive in its consideration of Ms. Garcia's arguments. While the Court notes Ms. Garcia's objections, it finds them insufficient to overturn the findings made by Magistrate Judge White. Accordingly, it is **ORDERED, ADJUDGED, and DECREED** that:

1. Magistrate Judge White's Report and Recommendation (DE #7) is hereby **AFFIRMED** and **ADOPTED** as an Order of this Court.
2. Plaintiff's Motion to Vacate (DE #1) is **DENIED**.
3. All pending motions are **DENIED** as **MOOT**.
4. The Clerk shall **CLOSE** this case.

DONE AND ORDERED in Chambers, at Miami, Miami-Dade County, Florida, this 1st day of December, 2010.


HONORABLE JAMES LAWRENCE KING
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF FLORIDA

Cc:

Magistrate Judge Patrick A. White

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