

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
Miami Division

Case Number: 14-20827-CIV-MORENO

HORACE COOK,

Movant,

vs.

UNITED STATES of AMERICA,

Respondent.

**ORDER ADOPTING MAGISTRATE'S REPORT AND RECOMMENDATION
AND DENYING § 2255 MOTION**


THE MATTER was referred to the Honorable Patrick A. White, United States Magistrate Judge for a Report and Recommendation on Movant Horace Cook's 28 U.S.C. § 2255 motion to vacate his conviction and sentence for Hobbs Act Robbery. The Magistrate Judge filed a Report and Recommendation (D.E. No. 31) on April 1, 2015, recommending that Mr. Cook's motion be denied. The Court has reviewed the entire file and record. The Court has made a *de novo* review of the issues presented in Magistrate Judge's Report and Recommendation, and notes that Mr. Cook did not file objections to the Report and Recommendation. Being otherwise fully advised in the premises, it is

ADJUDGED that United States Magistrate Judge Patrick A. White's Report and Recommendation is **AFFIRMED** and **ADOPTED**. Mr. Grant pled guilty to the charges brought against him, and the Court finds no indication that Mr. Grant's plea was anything other than voluntary and intelligent. Further, the record does not show that Mr. Grant's advice from counsel recommending that he plead guilty affected his decision to do so. All other issues raised in Mr.

Grant's motion are issues that could have been raised on direct appeal, so the Court may not consider them upon a motion for collateral relief. In view of the record evidence before the Court, it is

ADJUDGED that Mr. Grant's § 2255 motion to vacate is DENIED.

DONE AND ORDERED in Chambers at Miami, Florida, this 30th day of April, 2015.



FEDERICO A. MORENO
UNITED STATES DISTRICT JUDGE

Copies provided to:

United States Magistrate Judge Patrick A. White

Counsel of Record

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