

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

ODELIN MONTAS,
Movant,

v.

Case No. 15-24535-CIV-GAYLES/WHITE

UNITED STATES OF AMERICA,
Respondent.

UNITED STATES OF AMERICA,

v.

Case No. 14-20433-CR-GAYLES

ODELIN MONTAS,
Defendant.

ORDER

THIS CAUSE comes before the Court on Movant Odelin Montas’s Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody pursuant to 28 U.S.C. § 2255 (the “Motion”) [ECF No. 1]. The Motion was referred to Magistrate Judge Patrick A. White pursuant to 28 U.S.C. § 636(b)(1)(B) and Administrative Order 2003-19 of this Court for a Report and Recommendation [ECF No. 3]. Judge White’s Report recommends that the Court deny the Motion and that no certificate of appealability be issued. [ECF No. 36]. The Movant timely filed objections to the Report. [ECF No. 40] (“Objections”).


A district court may accept, reject, or modify a magistrate judge’s report and recommendation. 28 U.S.C. § 636(b)(1). Those portions of the report and recommendation to which objection is made are accorded *de novo* review, if those objections “pinpoint the specific findings that the party disagrees with.” *United States v. Schultz*, 565 F.3d 1353, 1360 (11th Cir. 2009); *see al-*

so Fed. R. Civ. P. 72(b)(3). The Court has undertaken a *de novo* review of the record, including the Report, the Objections, and the relevant legal authority. Having conducted a *de novo* review of the record, the Court agrees with Judge White's well-reasoned analysis and agrees that the Motion must be denied

Accordingly, after careful consideration, it is **ORDERED AND ADJUDGED** as follows:

- (1) Judge White's Report and Recommendation [ECF No. 36] is **AFFIRMED AND ADOPTED** and incorporated into this Order by reference;
- (2) the Motion [ECF No. 1] is **DENIED**;
- (3) no certificate of appealability shall issue; and
- (4) this case is **CLOSED**.

DONE AND ORDERED in Chambers at Miami, Florida, this 29th day of August, 2017.



DARRIN P. GAYLES
UNITED STATES DISTRICT JUDGE