

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

CASE NO. 16-20480-CIV-GAYLES/WHITE

MANUEL DEJESUS LORA,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

ORDER AFFIRMING AND ADOPTING REPORT OF MAGISTRATE JUDGE

THIS CAUSE comes before the Court on Magistrate Judge Patrick A. White’s Report of Magistrate Judge (“Report”) [ECF No. 8]. On February 9, 2016, Movant filed a Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody [ECF No. 1] (the “Motion”). The matter was referred to Judge White, pursuant to 28 U.S.C. § 636(b)(1)(B) and Administrative Order 2003-19 of this Court, for a ruling on all pretrial, non-dispositive matters, and for a Report and Recommendation on any dispositive matters. [ECF No. 3]. Judge White’s Report recommends that the Motion be denied on the merits. Movant has failed to timely object to the Report.

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 also* Fed. R. Civ. P. 72(b)(3). Any portions of the report and recommendation to which *no* specific objection is made are reviewed only for clear error. *Liberty Am. Ins. Grp., Inc. v. WestPoint Underwriters*,

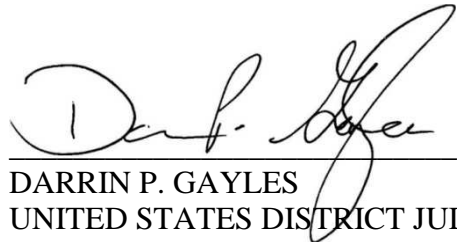
L.L.C., 199 F. Supp. 2d 1271, 1276 (M.D. Fla. 2001); *accord Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006).

The Court agrees with Judge White's well-reasoned analysis and finds no clear error with his recommendation that the Motion to Vacate be denied on the merits.¹ Accordingly, it is

ORDERED AND ADJUDGED as follows:

- (1) Judge White's Report and Recommendation [ECF No. 8] is **AFFIRMED AND ADOPTED in PART**;
- (2) The Motion to Vacate [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 30th day of December, 2016.


DARRIN P. GAYLES
UNITED STATES DISTRICT JUDGE

¹ However, the Court observed a few non-dispositive errors within the Report and Recommendation. In particular, Judge White finds in the body of the Report that the Motion to Vacate is timely, but later recommends that it be dismissed as time-barred. This is clear error as the Motion was timely filed.