

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 16-21850-CIV-SEITZ

JESUS BARRERA-AVILA,

Movant,

vs.

UNITED STATES OF AMERICA,

Respondent.

**ORDER ADOPTING REPORT, DENYING CERTIFICATE OF APPEALABILITY,
AND CLOSING CASE**

THIS CAUSE is before the Court on the Report of Magistrate Judge [DE-16], in which Magistrate Judge White recommends that the stay be lifted, that Movant's Petition for Writ of Habeas Corpus be dismissed as untimely, that a certificate of appealability not be issued, and that this case be closed. Movant has not filed objections to the Report. Thus, having carefully reviewed, *de novo*, Magistrate Judge White's Report, the record, and given that Movant does not object, it is

ORDERED that:

(1) The above-mentioned Report of Magistrate Judge [DE-15] is AFFIRMED and ADOPTED,¹ and incorporated by reference into this Court's Order.

¹The Report is affirmed and adopted with the following two corrections: (1) The first sentence on page 2 erroneously notes that "both parties have filed notices recognizing the issuance of [*Beckles v. U.S.*, – U.S.–, 137 S. Ct. 886] and asking that the stay be lifted." Only the United States has filed such a notice. (2) On page 3, the sentences addressing Movant's sentencing should read "On December 3, 2010, the movant was adjudicated guilty and sentenced to concurrent terms of 240 months on Count 1 and 262 months on Count 3. He was also sentenced to a consecutive term of 60 months on Count 5."

(2) The Clerk is directed to LIFT the STAY.

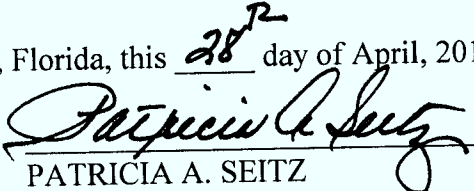
(3) Movant's Petition for Writ of Habeas Corpus By Prisoner in Federal Custody, Title 28 U.S.C. § 2255(f)(3) [DE-1] is DISMISSED.

(4) All pending motions not otherwise ruled upon in this Order are DENIED AS MOOT.

(5) The Court will not issue a Certificate of Appealability.

(6) This case is CLOSED.

DONE AND ORDERED in Miami, Florida, this 28th day of April, 2016.



PATRICIA A. SEITZ
UNITED STATES DISTRICT JUDGE

cc: All counsel of record/*Pro se* parties