

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 16-22506-CIV-SEITZ/TURNOFF

THOMAS T. COCHRAN,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

/

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

THIS CAUSE is before the Court on the Report and Recommendation [DE-9] of Magistrate Judge Turnoff. In that Report, the Magistrate Judge recommends that Movant's Motion to Correct Sentence Pursuant to 28 U.S.C. § 2255 [DE-1] be granted. The Report found that, in light of *Johnson v. United States*, 135 S. Ct. 2551 (2015), Movant no longer has the required three prior predicate offenses to qualify as an armed career criminal and, thus, his enhanced sentence cannot stand. Neither side has objected to the Report. Thus, having reviewed, *de novo*, Magistrate Judge Turnoff's Report and the record, and given that there are no objections, it is

ORDERED that:

(1) The above-mentioned Report of Magistrate Judge [DE-9] is AFFIRMED and ADOPTED, and incorporated by reference into this Court's Order.

(2) Movant's Motion to Correct Sentence Pursuant to 28 U.S.C. § 2255 [DE-1] is GRANTED.

(3) A resentencing hearing is set for **September 19, 2017 at 10:00 a.m.**

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

(5) A certificate of appealability is DENIED.

(6) This case is CLOSED.

DONE and ORDERED in Miami, Florida, this 19^R day of July, 2017.



PATRICIA A. SEITZ
UNITED STATES DISTRICT JUDGE

cc: Magistrate Judge Turnoff
All Counsel of Record