

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

**CASE NO. 16-23311-CIV-GAYLES/WHITE
(15-20086-CR-GAYLES)**

PAMELA ELAINE CROSDALE,

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. 21]. Movant filed a pro se motion to vacate pursuant to 28 U.S.C. §2255 attacking the constitutionality of her sentence for importing into the United States a detectable amount of cocaine, entered following a guilty plea (the "Motion") [ECF No. 1]. 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 Court dismiss the motion as time-barred and/or alternatively deny the motion on the merits. Movant has failed to timely object to the Report. The Court notes, however, that the Clerk has been unable to locate a current address for Movant. Therefore, it is unlikely that Movant received a copy of the Report.

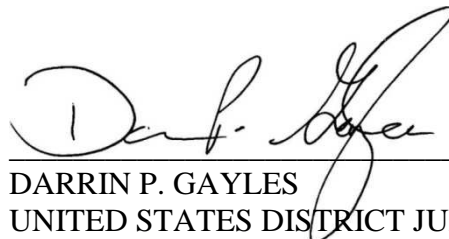
A district court may accept, reject, or modify a magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1). Those portions of the report and recommendation to which objection

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).

Because it is unclear whether Movant received a copy of the Report, the Court has conducted a *de novo* review of the Motion to Vacate.¹ Based on its *de novo* review, this Court agrees with Judge White’s well-reasoned analysis and agrees that the Motion must be dismissed as time-barred. The Court also concurs with Judge White’s finding that, had the Motion been timely, it would still be denied on the merits. Accordingly, after careful consideration, it is **ORDERED AND ADJUDGED** as follows:

- (1) Judge White’s Report and Recommendation [ECF No. 21] is **AFFIRMED AND ADOPTED** and incorporated into this Order by reference;
- (2) the Motion [ECF No. 1] is **DISMISSED** as time-barred.
- (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 October, 2017.


DARRIN P. GAYLES
UNITED STATES DISTRICT JUDGE

¹ If Movant receives a copy of the Report, she may file objections, which will be construed as a motion for reconsideration, within fourteen (14) days of receipt of the Report.