

**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.**

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**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.

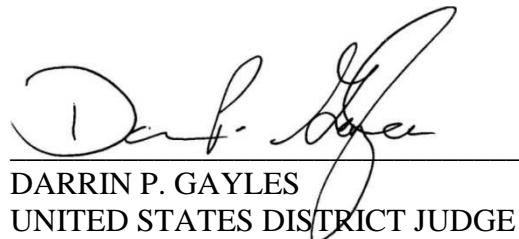
A district court may accept, reject, or modify a magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1). Those portions of the report and recommendation to which objection

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.<sup>1</sup> 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

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<sup>1</sup> 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.