

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

KARIN L. RIGNACH,
Movant,

v.

Case No. 16-cv-24394-GAYLES/WHITE

UNITED STATES OF AMERICA,
Respondent.

UNITED STATES OF AMERICA,

v.

Case No. 14-cr-20401-GAYLES

KARIN L. RIGNACH,
Defendant.

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 (the "Report") [ECF No. 9], entered on January 11, 2017.

Movant Karin L. Rignach filed a Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody on October 18, 2016 [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, nondispositive matters, and for a Report and Recommendation on any dispositive matters [ECF No. 3]. The Report recommends that the Movant's Motion be dismissed as time-barred or, in the alternative, denied on the merits and that no certificate of appealability issue. The Movant timely filed Objections to the Report [ECF No. 12].

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). If no objections are filed, or if the objections do not properly address specific findings, the district court need only review the report and recommendation for “clear error.” *Macort v. Prem, Inc.*, 208 F. App’x 781, 784 (11th Cir. 2006) (per curiam); *see also* Fed. R. Civ. P. 72 advisory committee’s note.

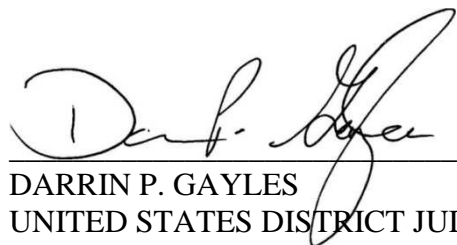
The Court has undertaken the required *de novo* review of the Report, the Movant’s Objections, and the record in this case and finds the Movant’s Objections to be without merit. The Court agrees with the well-reasoned analysis and recommendations contained the Report regarding the untimeliness and the merits of the Motion, and regarding the issuance of a certificate of appealability.

It is, therefore, **ORDERED AND ADJUDGED** as follows:

- (1) the Report of Magistrate Judge [ECF No. 9] is **AFFIRMED AND ADOPTED** and incorporated into this Order by reference;
- (2) the Motion to Vacate [ECF No. 1] is **DISMISSED WITH PREJUDICE**; and
- (3) no certificate of appealability shall issue.

This action is **CLOSED**.

DONE AND ORDERED in Chambers at Miami, Florida, this 24th day of February, 2017.


DARRIN P. GAYLES
UNITED STATES DISTRICT JUDGE