

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
Miami Division

**Case Number: 17-22208-CIV-MORENO
(16-20314-CR-MORENO)**

CREARY VERNON KEMIEL ROBINSON,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
AND ORDER DENYING AMENDED MOTION TO VACATE**

THE MATTER was referred to the Honorable Lisette M. Reid, United States Magistrate Judge, for a Report and Recommendation on the Amended Motion to Vacate filed pursuant 28 U.S.C. § 2255. The Magistrate Judge filed a Report and Recommendation (**D.E. 20**) on **March 10, 2021**. The Court has reviewed the entire file and record. The Court has made a *de novo* review of the issues that the objections to the Magistrate Judge's Report and Recommendation present, and being otherwise fully advised in the premises, it is

ADJUDGED that Magistrate Judge Reid's Report and Recommendation is **AFFIRMED** and **ADOPTED**. Accordingly, it is

ADJUDGED that the Amended Motion to Vacate filed pursuant 28 U.S.C. § 2255 is **DISMISSED** for the reasons stated in the Report and Recommendation. Upon reviewing the transcript of the evidentiary hearing, the Court agrees with the Magistrate Judge's assessment that attorney Gary Rosenberg's testimony, which is corroborated by his notes, was credible and the Movant's testimony was not, especially given the Movant's delay in raising this issue. It is

further

ADJUDGED that no certificate of appealability issue.

DONE AND ORDERED in Chambers at Miami, Florida, this 14th of June 2021.

A handwritten signature in black ink that reads "Federico A. Moreno". The signature is written in a cursive style and is underlined with a single horizontal line.

FEDERICO A. MORENO
UNITED STATES DISTRICT JUDGE

Copies furnished to:

United States Magistrate Judge Lisette M. Reid

Counsel of Record