

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT PIERCE DIVISION
Case No. 08-14254-CIV-GRAHAM

JOSEPH CRUTCHLEY,

Movant,

vs.

UNITED STATES OF AMERICA,

Respondent.

ORDER

THIS CAUSE comes before the Court upon Joseph Crutchley's Notice of Appeal [D.E. 21] construed as a motion for a certificate of appealability [D.E. 22].

The Motion for a certificate of appealability was referred to the Honorable United States Magistrate Judge Patrick A. White pursuant to 28 U.S.C. § 636 and the Magistrate Rules for the Southern District of Florida [D.E. 23]. Judge White has issued a Report and Recommendation [D.E. 24], recommending that the motion be denied. Movant thereafter filed objections to the Magistrate Judge's Report [D.E. 23].

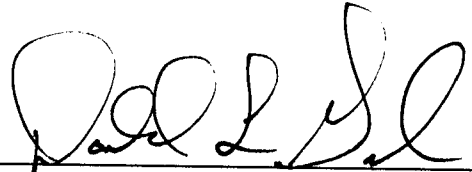
THE COURT has conducted an independent review of the record and is otherwise fully advised in the premises. Based thereon, it is hereby

ORDERED AND ADJUDGED that the Magistrate Judge's Report and Recommendation [D.E. 18] is **AFFIRMED, ADOPTED AND RATIFIED** in its entirety. It is further

ORDERED AND ADJUDGED that the Notice of Appeal [D.E. 21], construed as a motion for a certificate of appealability [D.E. 22] is DENIED. It is further

ORDERED AND ADJUDGED that the Motion to Proceed in Forma Pauperis [D.E. 27] is DENIED.

DONE AND ORDERED in Chambers at Miami, Florida, this 28th day of July, 2009.



DONALD L. GRAHAM
UNITED STATES DISTRICT JUDGE

cc: U.S. Magistrate Judge Patrick A. White
Joseph Crutchley, Pro Se
Counsel of Record