

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
FORT PIERCE DIVISION  
Case No. 08-14404-CIV-GRAHAM

AARON ROGERS,

Movant,

vs.

UNITED STATES OF AMERICA,

Respondent.

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**ORDER**

**THIS CAUSE** comes before the Court upon Aaron Rogers's Notice of Appeal [D.E. 15] construed as a motion for a certificate of appealability [D.E. 16].

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. 17]. Judge White has issued a Report and Recommendation [D.E. 18], recommending that the motion be denied. Movant thereafter filed objections to the Magistrate Judge's Report [D.E. 21]. Movant has also separately filed a motion to proceed in forma pauperis [D.E. 22].

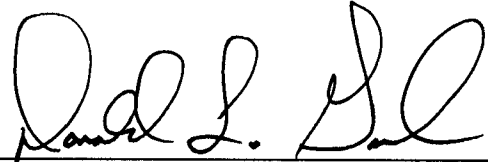
**THE COURT** has conducted an independent review of the record and is otherwise fully advised in the premises. Based thereon, it is hereby

**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. 15], construed as a motion for a certificate of appealability [D.E. 16] is **DENIED**. It is further

**ORDERED AND ADJUDGED** that the Motion to Proceed inn Forma Pauperis [D.E. 22] is **DENIED**.

**DONE AND ORDERED** in Chambers at Miami, Florida, this 28<sup>th</sup> day of July, 2009.



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DONALD L. GRAHAM  
UNITED STATES DISTRICT JUDGE

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