

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT PIERCE DIVISION**

**CASE NO. 23-14016-CIV-CANNON/Maynard
(CASE NO. 21-14021-CR-CANNON/Maynard)**

GARRETT MICHAEL PAKO,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

**ORDER ACCEPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION [ECF No. 24]**

THIS CAUSE comes before the Court upon the Magistrate Judge's Report Recommending Denial of Claim One of Motion to Vacate Sentence under 28 U.S.C. § 2255 (the "Report") [ECF No. 24], issued on September 20, 2024. On January 23, 2023, Movant filed a Motion to Vacate his criminal conviction under 28 U.S.C. § 2255 (the "Motion") [ECF No. 1]. On April 22, 2024, the Court denied Claims Two and Three of the Motion and referred Claim One to Magistrate Judge Shaniek M. Maynard for an evidentiary hearing [ECF No. 7]. On September 20, 2024, following the evidentiary hearing, Judge Maynard issued the instant Report recommending that Claim One of the Motion be denied [ECF No. 24]. Objections to the Report were originally due on October 4, 2024, but later extended to October 17, 2024 [ECF No. 24 p. 14; ECF Nos. 25, 26]. No party filed objections, and the time to do so has expired [ECF No. 26].


To challenge the findings and recommendations of a magistrate judge, a party must file specific written objections identifying the portions of the proposed findings and recommendation to which objection is made. *See* Fed. R. Civ. P. 72(b)(3); *Heath v. Jones*, 863 F.2d 815, 822

(11th Cir. 1989); *Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). A district court reviews de novo those portions of the report to which objection is made and may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1). To the extent a party fails to object to parts of the magistrate judge's report, the Court may accept the recommendation so long as there is no clear error on the face of the record. *Macort*, 208 F. App'x at 784. Legal conclusions are reviewed de novo, even in the absence of an objection. *See LeCroy v. McNeil*, 397 F. App'x 554, 556 (11th Cir. 2010); *Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994).

Following review, the Court finds the well-reasoned Report to contain no clear errors of fact and no errors of law. Accordingly, it is hereby **ORDERED AND ADJUDGED** as follows:

1. The Report and Recommendation [ECF No. 24] is **ACCEPTED**. No certificate of appealability shall issue.
2. Claim One of the Motion [ECF No. 1] is **DENIED**.
3. Final judgment to be entered by separate order.

DONE AND ORDERED in Chambers at Fort Pierce, Florida this 24th day of October 2024.


AILEEN M. CANNON
UNITED STATES DISTRICT JUDGE

cc: counsel of record