

as, any objections filed thereto, and after conducting a de novo review of the record as a whole, it is hereby **ORDERED AND ADJUDGED** as follows:

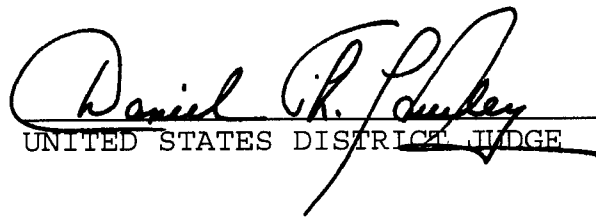
1. The Report and Recommendations of the United States Magistrate Judge (DE# 9) is **ADOPTED** in its entirety and incorporated herein by reference.

2. The motion to vacate is **dismissed without prejudice**. Counsel shall be appointed in the underlying criminal case to represent the movant on direct appeal from the judgment of conviction.

3. All pending motions not otherwise ruled upon are **DENIED**, as moot.

4. This case is **CLOSED**.

DONE and SIGNED in Chambers at West Palm Beach, Florida on this 2nd day of Nov., 2009.


UNITED STATES DISTRICT JUDGE

cc: Millard Chavers, Pro Se
Reg. No. 198690
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