

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 19-81163-CV-MIDDLEBROOKS
(CASE NO. 18-80062-CR-MIDDLEBROOKS)

MICHAEL JOSEPH CLARK,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION OF MAGISTRATE JUDGE

THIS CAUSE comes before the Court on Magistrate Judge William Matthewman’s Report and Recommendation (“Report”), issued on October 8, 2021. (DE 72). The Report recommends denying Movant Michael Joseph Clark’s Second Amended Motion to Vacate, Set Aside or Correct Sentence, pursuant to 28 U.S.C. §2255. Movant filed objections (DE 73), to which the government responded (DE 75).

I have conducted a de novo review of Judge Matthewman’s Report, the record in this case, and I have considered the applicable law. I have also considered Movant’s objections, and I find that they lack merit. Accordingly, I agree with Judge Matthewman’s recommendations and adopt his Report. Further, I find that Movant cannot make “a substantial showing of the denial of a constitutional right” sufficient to support the issuance of a Certificate of Appealability. *See* 28 U.S.C. § 2253.

Accordingly, it is **ORDERED AND ADJUDGED** that:

- (1) The Report (DE 72) is **ADOPTED**.
- (2) Movant’s Objections (DE 73) are **OVERRULED**.

(3) Movant's Second Amended Motion to Vacate pursuant to 28 U.S.C. § 2255 (DE 16)
is **DENIED**.

(4) No certificate of appealability shall issue.

(5) Final Judgment shall be entered by separate Order.

SIGNED in West Palm Beach, Florida, this 17th day of November, 2021.



Donald M. Middlebrooks
United States District Judge

cc: Honorable William Matthewman
Counsel of Record