

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

AUGUSTA DIVISION

LATERRIO DEANDRE COLLINS,)
)
 Petitioner,)
)
 v.) CV 114-096
) (Formerly CR 112-177)
UNITED STATES OF AMERICA,)
)
 Respondent.)

ORDER

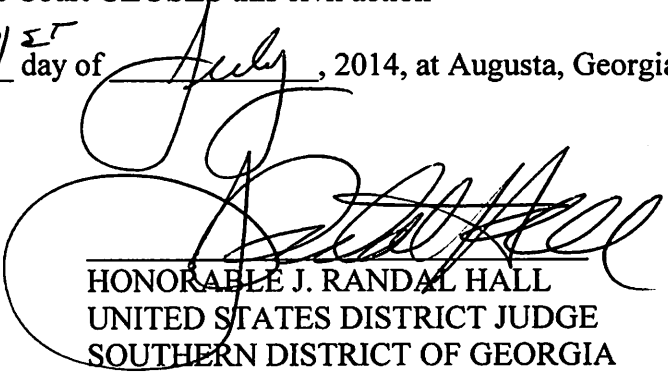
After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation ("R&R"), to which no objections have been filed. In lieu of objections, Petitioner submitted a motion for an extension to file objections to the R&R and a motion to amend his petition to add two additional claims. (Doc. no. 6.) On July 3, 2014, the Magistrate Judge ordered Petitioner to either submit an amended petition or proceed with his original petition by submitting objections to the R&R within fourteen days. (Doc. no. 7.) The Magistrate Judge warned Petitioner if he filed neither an amended petition nor objections within the fourteen-day extension, the original R&R would be submitted to the undersigned, without objections. (*Id.*) Petitioner has not submitted nor explained his failure to submit an amended petition or objections. Accordingly, the Court **ADOPTS** the R&R of the Magistrate Judge as its opinion,

DENIES as **MOOT** Petitioner's motion to proceed *in forma pauperis*, (doc. no. 2), and **DISMISSES** the instant motion filed pursuant to 28 U.S.C. § 2255.

Further, a federal prisoner must obtain a certificate of appealability ("COA") before appealing the denial of his motion to vacate. This Court "must issue or deny a certificate of appealability when it enters a final order adverse to the applicant." Rule 11(a) to the Rules Governing Section 2255 Proceedings. This Court should grant a COA only if the prisoner makes a "substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). For the reasons set forth in the R&R, and in consideration of the standards enunciated in Slack v. McDaniel, 529 U.S. 473, 482-84 (2000), Petitioner has failed to make the requisite showing. Accordingly, the Court **DENIES** a COA in this case.¹ Moreover, because there are no non-frivolous issues to raise on appeal, an appeal would not be taken in good faith. Accordingly, Petitioner is not entitled to appeal *in forma pauperis*. See 28 U.S.C. § 1915(a)(3).

Upon the foregoing, the Court **CLOSES** this civil action

SO ORDERED this 31ST day of July, 2014, at Augusta, Georgia.


HONORABLE J. RANDAL HALL
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA

¹"If the court denies a certificate, a party may not appeal the denial but may seek a certificate from the court of appeals under Federal Rule of Appellate Procedure 22." Rule 11(a) to the Rules Governing Section 2255 Proceedings.