

In the United States District Court For the Southern District of Georgia Brunswick Division

FILED
Scott L. Poff, Clerk
United States District Court
By casbell at 8:30 am, May 26, 2017

GREGORY BERNARD LEE,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

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CV 216-93
CR 214-28

ORDER

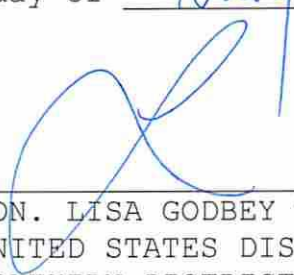
After an independent and *de novo* review of the record, the undersigned concurs with the Magistrate Judge's April 3, 2017, Report and Recommendation, dkt. no. 11, to which Gregory Bernard Lee ("Lee") filed Objections. Dkt. No. 12. Accordingly, the Court **ADOPTS** the Magistrate Judge's Report and Recommendation as the opinion of the Court and **OVERRULES** Lee's Objections.¹

The Court **DISMISSES WITHOUT PREJUDICE** Lee's Motion to Vacate, Set Aside, or Correct his Sentence, brought pursuant to 28 U.S.C. § 2255, **DENIES** Lee a certificate of appealability, and

¹ Lee's Objections are entirely unresponsive to the Magistrate Judge's Report and Recommendation. Lee does not dispute that he failed to respond to Respondent's Motion to Dismiss, and he still has not filed a response to that Motion as ordered by the Court. Nor does Lee provide any reason for his failure to follow the Court's directive and failure to prosecute. Instead, Lee simply states that that he is "actually innocent" and that the Court should decide his case on the merits. Dkt. No. 12.

DENIES Lee leave to proceed *in forma pauperis* on appeal. The Court **DIRECTS** the Clerk of Court to enter the appropriate judgment of dismissal and to **CLOSE** this case.

SO ORDERED, this 25 day of May, 2017.



HON. LISA GODBEY WOOD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA