

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

FILED
U.S. DISTRICT COURT
SAVANNAH DIV.
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SO. DIST. OF GA.

MORGAN HOUSTON,)
)
Petitioner,)
)
v.)
)
UNITED STATES OF AMERICA,)
)
Respondent.)
_____)

CASE NOS. CV416-231
CV412-194
CR409-058

O R D E R

Before the Court is the Magistrate Judge's Report and Recommendation (Doc. 2), to which objections have been filed (Doc. 6). In the Report and Recommendation, the Magistrate Judge denied as moot a motion to extend filed in case number CV412-194. Absent an objection from the parties, the Magistrate Judge may dispose of non-dispositive motions like motions to extend without review from this Court. Fed. R. Civ. Pro. 72(a). There have been no objections to the Magistrate Judge's authority to dispose of non-dispositive motions. Because this portion of the Report and Recommendation disposes of a non-dispositive motion, the Clerk of Court is **DIRECTED** to administratively terminate the Report and Recommendation filed in CV412-194.

However, the Magistrate Judge did recommend that Petitioner's 28 U.S.C. 2255 motion filed in case number

CV416-231 be dismissed as successive. This is a dispositive motion which requires an order of the district court. Fed. R. Civ. Pro. 72(b)(3). After a careful de novo review of the record, the Court determines that Petitioner's objections are without merit. Accordingly, the report and recommendation is **ADOPTED** as the Court's opinion in case number CV416-231. As a result, Petitioner's 28 U.S.C. § 2255 motion is **DISMISSED**. In addition, Petitioner is not entitled to a Certificate of Appealability, rendering moot any request for in forma pauperis status on appeal. The Clerk of Court is **DIRECTED** to close this case.

SO ORDERED this 20th day of January 2017.



WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA