

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

MAURICE BAKER,)
)
Petitioner,)
)
v.)
)
UNITED STATES OF AMERICA,)
)
Respondent.)
_____)

CASE NOS. CV414-159
CR413-066

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FILED
U.S. DISTRICT COURT
SAVANNAH, GA.


O R D E R

Before the Court is the Magistrate Judge's Report and Recommendation (Doc. 4), to which objections have been filed (Doc. 6). After a careful de novo review of the record, the Court concludes that Petitioner's objections are without merit. Accordingly, the report and recommendation is **ADOPTED** as the Court's opinion in this case. As a result, Petitioner's 28 U.S.C. § 2255 Petition is **DENIED**. The Clerk of Court is **DIRECTED** to close this case.

In his objections, Petitioner continues to argue that the four-level enhancement for possessing a firearm in connection with another felony offense is inapplicable because the State of Georgia declined to prosecute him for that offense. (Doc. 6 at 2-3.) According to Petitioner, he discharged the firearm only in self-defense, not in the

commission of aggravated assault. (Id.) Petitioner's objections are without merit for two reasons. First, the enhancement applies "regardless of whether a criminal charge was brought, or a conviction obtained." U.S. Sentencing Guidelines Manual § 2K2.1 cmt. n.14(C) (2013). Second, Petitioner failed to object to the Presentence Investigation Report's characterization of the circumstances surrounding his use of the firearm, which can reasonably support a conclusion that Petitioner used the firearm in connection with the commission of aggravated assault. See United States v. Woodard, 395 F. App'x 641, 642 (11th Cir. 2010).

SO ORDERED this 11th day of August 2014.



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