

FILED
U.S. DISTRICT COURT
SAVANNAH DIV.

JUN 27 PM 2:40

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

CLERK 

HERBERT CARTER, IV,)
)
 Petitioner,)
)
 v.)
)
 UNITED STATES OF AMERICA,)
)
 Respondent.)
 _____)

CASE NOS. CV416-029
CR413-112

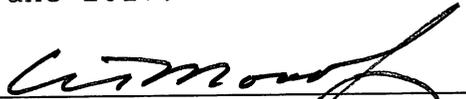
O R D E R

Before the Court is the Magistrate Judge's Report and Recommendation (Doc. 12), to which objections have been filed (Doc. 15.) 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**. 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.

In his objections, Petitioner continues to argue that he is entitled to relief because the lead prosecutor and case agent engaged in an extramarital affair during the time Petitioner faced prosecution. However, the Magistrate

Judge is correct that the Government is not required to disclose this information prior to the entry of a guilty plea. See United States v. Ruiz, 536 U.S. 622, 633 (2002) (“[T]he Constitution does not require the Government to disclose material impeachment evidence prior to entering a plea agreement with a criminal defendant.”). Moreover, the record clearly indicates that Petitioner “ha[d] not been coerced or influenced into offering to plead guilty; that the plea [was] made voluntarily with an understanding of the charges and the consequences of the plea.” (CR413-112, Doc. 51 19:22-24.) Petitioner has failed to raise any meritorious argument that extricates him from this voluntary plea of guilty.

SO ORDERED this 27th day of June 2017.


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