

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

U.S. DISTRICT COURT
SAVANNAH DIV.
2017 JUL 27 PM 3:46

LAMARLVIN A. WATTS,)
)
Petitioner,)
)
v.)
)
UNITED STATES OF AMERICA,)
)
Respondent.)
)
_____)

CASE NOS. CV417-097
CR415-188

CLERK
U.S. DIST. CT. SA.

O R D E R

Before the Court is the Magistrate Judge's Report and Recommendation, to which no objections have been filed. (Doc. 5.) After a careful review of the record, 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 **DISMISSED WITHOUT PREJUDICE**.

In addition, the Court **DECLINES** to issue a Certificate of Appealability ("COA") in this case. Pursuant to 28 U.S.C. § 2253(c), an appeal may not be taken in this matter unless the court first issues a COA. This certificate may issue only if Petitioner has made a substantial showing of the denial of a constitutional right. Slack v. McDaniel, 529 U.S. 473, 484 (2000). The Court has carefully considered Petitioner's case and finds that he cannot meet the above standard. As a result, any request by Petitioner

for leave to appeal in forma pauperis would be moot. The Clerk of Court is **DIRECTED** to close this case.

SO ORDERED this 27th day of July 2017.



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