

FILED
U.S. DISTRICT COURT
SAVANNAH DIV.

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

2012 OCT 31 PM 3:11

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FRANKLIN L. WILLIAMS,)
)
Petitioner,)
)
v.)
)
UNITED STATES OF AMERICA,)
)
Respondent.)

CASE NOS. CV512-079
CR506-014

O R D E R


Before the Court is the Magistrate Judge's Report and Recommendation (Doc. 4), to which objections¹ 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, and Petitioner's 28 U.S.C. § 2255 Petition is **DENIED**. The Clerk of Court is **DIRECTED** to close this case.

Pursuant to 28 U.S.C. § 2253(c), an appeal may not be taken in this matter unless the court issues a Certificate of Appealability. This certificate may issue only if

¹ As an attachment to his objections, Petitioner included a Motion to Supplement 2255, seeking to amend his original petition by including additional argument. (Doc. 6, Ex. 1.) After careful consideration, Petitioner's request is **GRANTED**. However, the inclusion of this additional argument does not alter the Court's ultimate conclusion that the petition is successive and, as a result, must be dismissed.

Petitioner has made a substantial showing of the denial of a constitutional right. Slack v. McDaniel, 529 U.S. 473, 484 (2000). After careful consideration, the Court finds no issues in this case that merit the issuance of a Certificate of Appealability. As a result, any request for leave to appeal in forma pauperis must be **DISMISSED AS MOOT**.

SO ORDERED this 31ST day of October 2012.


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