

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**UNITED STATES OF AMERICA,**

**Plaintiff/Respondent,**

**v.**

**Civ. No. 16-725 KG/KK  
(Cr. No. 15-1811 KG)**

**JOSE GUADALUPE GOMEZ-VALENCIA,**

**Defendant/Movant.**

**ORDER ADOPTING MAGISTRATE JUDGE'S  
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

**THIS MATTER** comes before the Court on Defendant/Movant Jose Guadalupe Gomez-Valencia's ("Defendant") Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody with Memorandum of Points and Authorities (Doc. 1) ("2255 Motion"), and Motion for Relief (Doc. 3), filed June 27, 2016. United States Magistrate Judge Kirtan Khalsa entered Proposed Findings and a Recommended Disposition ("PFRD") regarding Defendant's Section 2255 Motion on June 30, 2017. (Doc. 15.) In her PFRD, Magistrate Judge Khalsa recommended that the Court find the Defendant's 2255 Motion was moot because it no longer presents a case or controversy redressable by a favorable judicial decision and that the Court dismiss the 2255 Motion without prejudice. (*Id.*)

The parties had until on or about Friday, July 14, 2017, to timely object to the PFRD. (Doc. 15 at 6.) As of the date of entry of this Order, no objections have been filed; and, upon review of the record, the Court concurs with the Magistrate Judge's PFRD.


**IT IS THEREFORE ORDERED** that:

1. The Magistrate Judge's Proposed Findings and Recommended Disposition (Doc. 15) are ADOPTED as an order of the Court;

2. Defendant's Motion to Vacate Judgment under 28 U.S.C. § 2255 (Doc. 1) and Motion for Relief (Doc. 3) are MOOT; and

3. This case is hereby DISMISSED WITHOUT PREJUDICE.

**IT IS SO ORDERED.**



UNITED STATES DISTRICT JUDGE