

Set Aside, or Correct the Sentence pursuant to 28 U.S.C. § 2254 on July 30, 2008, claiming actual innocence and ineffective assistance of counsel. (ECF # 1.) Petitioner filed a Motion to Amend the Petition on April 27, 2009. (ECF # 16.)

Pursuant to Local Rule 72.2, this matter was referred to Magistrate Judge White for the preparation of a report and recommendation. On August 19, 2009, Magistrate Judge White recommended that this Court deny the Petition and the Motion to Amend. (ECF # 18.)

Petitioner has not filed any objections to the Report and Recommendation.

The Court has reviewed the Report and Recommendation *de novo*. See *Thomas v. Arn*, 474 U.S. 140 (1985). The Court finds Magistrate Judge White's Report and Recommendation to be well-written, well-supported, and correct. Therefore, the comprehensive, thorough and scholarly analysis of the Magistrate Judge as set forth in the Report and Recommendation is ADOPTED in its entirety. (ECF # 18.) Petitioner's Motion to Vacate, Set Aside, or Correct the Sentence is DENIED. (ECF # 1.) Petitioner's Motion to Amend the Petition is likewise DENIED. (ECF # 16.)

Further, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

Count Three with Count Four, Count Five with Count Six, and Count Nine with Count Ten. (ECF # 18 at 3, n.1.)

s/ Donald C. Nugent
DONALD C. NUGENT
United States District Judge

DATED: September 11, 2009