

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

VERNON RANDALL TODD, #11650-078 §

VS. § CIVIL ACTION NO.4:09cv85  
CRIM NO. 4:05cr21

UNITED STATES OF AMERICA §

ORDER OF DISMISSAL

Movant filed the above-styled and numbered *pro se* motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255. The parties submitted an agreed motion (docket entry #31) to grant the motion to vacate and to re-instate Counts One and Three of the original indictment pursuant to 18 U.S.C. § 3296( a)( 3). United States Magistrate Judge Don D. Bush issued a Report and Recommendation recommending that the agreed motion be granted (docket entry #31). Furthermore, the parties have waived the period of time in which to file objections. Accordingly, it is hereby

**ORDERED** that the Report and Recommendation (docket entry #32) is **ADOPTED**. It is

**ORDERED** that the Agreed Motion (docket entry #31) is **GRANTED**. It is

**ORDERED** that Counts One and Three of the indictment in the underlying criminal case be **RE-INSTATED** pursuant to 18 U.S.C. § 3296 ( a) ( 3). It is also

**ORDERED** that the previous sentence imposed as to Count Two is **VACATED**.

Additionally, it is

**ORDERED** that the motion to vacate, set aside or correct the sentence (docket entry #1) is

**GRANTED** and **DISMISSED** without prejudice. Finally, it is

**ORDERED** that all motions by either party not previously ruled on are hereby **DENIED**.

It is **SO ORDERED**.

**SIGNED** this 17th day of January, 2012.

A handwritten signature in black ink, reading "Michael H. Schneider". The signature is written in a cursive style with a horizontal line underneath it.

MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE