

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

MANUEL CRUZ, #06496-078

§

versus

§

CIVIL ACTION NO. 4:11-CV-304

§

CRIMINAL ACTION NO. 4:09-CR-151(3)

§

UNITED STATES OF AMERICA

§

ORDER OF DISMISSAL

The above-entitled and numbered civil action was referred to United States Magistrate Judge Amos L. Mazzant, who issued a Report and Recommendation concluding that the motion to vacate, set aside, or correct his sentence filed pursuant to 28 U.S.C. § 2255 should be denied and dismissed with prejudice. Movant has filed objections.

The Report of the Magistrate Judge, which contains his proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration. Having made a *de novo* review of the objections raised by Movant to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections of Movant are without merit. It is accordingly

ORDERED that Movant’s Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (#1) pursuant to 28 U.S.C. § 2255 is **DENIED**, and the case is **DISMISSED** with prejudice. A certificate of appealability is **DENIED**. All motions by either party not previously ruled upon are **DENIED**.

SIGNED at Beaumont, Texas, this 5th day of January, 2012.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE