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**UNITED STATES DISTRICT COURT**

**EASTERN DISTRICT OF TEXAS**

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BENNIE D. EMEARY, JR., #11660-078

§

*versus*

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CIVIL ACTION NO. 4:14-CV-783

§

CRIMINAL ACTION NO. 4:05-CR-15(1)

§

UNITED STATES OF AMERICA

§

**ORDER OF DISMISSAL**

The above-entitled and numbered civil action was referred to United States Magistrate Judge Kimberly C. Priest Johnson. The Report and Recommendation of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and no objections having been timely filed, the Court concludes that the findings and conclusions of the Magistrate Judge are correct, and adopts same as the findings and conclusions of the Court.

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 **DISMISSED** without prejudice. All motions by either party not previously ruled upon are **DENIED**.

SIGNED at Beaumont, Texas, this 28th day of November, 2016.




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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE