

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

2014 OCT 21 PM 2:31

DEPUTY CLERK. *A.*

JOSE A. HYRTADO,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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2:14-CV-0164

**ORDER OVERRULING OBJECTIONS,
ADOPTING REPORT AND RECOMMENDATION, and
DENYING MOTION TO VACATE, SET ASIDE OR CORRECT SENTENCE**

Came for consideration the motion to vacate, set aside, or correct sentence by a person in federal custody filed by petitioner. On September 10, 2014, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that the instant motion be denied. On October 17, 2014, petitioner filed objections to the Report and Recommendation.

Having made an independent examination of the record in this case and having examined the Report and Recommendation of the Magistrate Judge, the undersigned United States District Judge hereby **OVERRULES** petitioner's objections, and **ADOPTS** the Report and Recommendation. The undersigned makes the additional finding that petitioner's claim that counsel was ineffective on appeal for failing to raise the grounds he asserts in his section 2255 motion is meritless and is **DENIED**. The Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence filed by petitioner is, in all things, **DENIED**.

IT IS SO ORDERED.

ENTERED this 21st day of October 2014.

Mary Lou Robinson
MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE