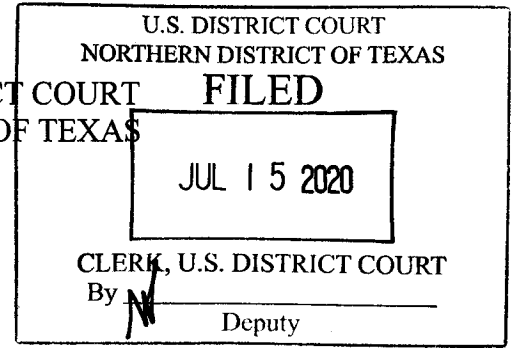


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION



RAUL GARCIA,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

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2:19-CV-184-Z

**ORDER ADOPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION
AND
DENYING MOTION TO VACATE, SET ASIDE, OR CORRECT SENTENCE**

On June 22, 2020, the United States Magistrate Judge entered findings and conclusions (ECF No. 7) on the Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside or Correct Sentence (“Motion to Vacate, Set Aside, or Correct Sentence”) (ECF No. 2) filed by Petitioner in this case. The Magistrate Judge RECOMMENDS that this motion be DISMISSED. No objections to the findings, conclusions, and recommendation have been filed. After making an independent review of the pleadings, files, and records in this case and the findings, conclusions, and recommendation of the Magistrate Judge, the Court concludes that the findings and conclusions are correct. It is therefore ORDERED that the findings, conclusions, and recommendation of the Magistrate Judge (ECF No. 7) are ADOPTED and that Petitioner’s Motion to Vacate, Set Aside, or Correct Sentence (ECF No. 2) is DENIED.

Considering the record in this case and pursuant to Federal Rule of Appellate Procedure 22(b), Rule 11(a) of the Rules Governing Section 2255 Proceedings in the United States District Courts, and 28 U.S.C. § 2253(c), the Court denies a certificate of appealability because Petitioner

has failed to make “a substantial showing of the denial of a constitutional right.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). The Court ADOPTS and incorporates by reference the Magistrate Judge’s findings, conclusions, and recommendation filed in this case in support of its finding that Petitioner has failed to show (1) that reasonable jurists would find this Court’s “assessment of the constitutional claims debatable or wrong,” or (2) that reasonable jurists would find “it debatable whether the petition states a valid claim of the denial of a constitutional right” and “debatable whether [this Court] was correct in its procedural ruling.” *Id.*

If Petitioner files a notice of appeal, he may proceed *in forma pauperis* on appeal. See FED. R. APP. P. 24(a)(3).

SO ORDERED.

July 15, 2020.



MATTHEW J. KACSMARYK
UNITED STATES DISTRICT JUDGE