

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**TRAVIS OLT, #46245-177,**

Petitioner,

v.

**UNITED STATES OF AMERICA,**

Respondent.

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**Civil Action No. 3:14-CV-4232-L**

**ORDER**

Before the court is Petitioner Travis Olt’s (“Petitioner”) *pro se* Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Doc. 2), filed December 1, 2014. The case was referred to Magistrate Judge David L. Horan for screening, who entered the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) on May 12, 2016, recommending that the court deny petitioner’s motion. Petitioner timely filed his objections to the Report on May 27, 2016.

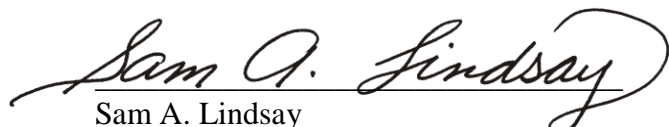
Having reviewed the file, record in this case, Report, and conducted a *de novo* review of the portion of the Report to which Petition objects, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. The court, therefore, **overrules** Petitioner’s objections to the Report. Accordingly, the court **denies** the motion and **dismisses with prejudice** this action.

Considering the record in this case and pursuant to Federal Rule of Appellate Procedure 22(b), Rule 11(a) of the Rules Governing Sections 2254 and 2255 Proceedings in the United States District Court, and 28 U.S.C. § 2253(c), the court **denies** a certificate of appealability. The court accepts and incorporates by reference the Report filed in this case in support of its finding that

Movant 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.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).<sup>1</sup>

In the event Petitioner will files a notice of appeal, he must pay the filing fee of \$505 or file a motion for leave proceed *in forma pauperis* on appeal.

**It is so ordered** this 24th day of June, 2016.

  
Sam A. Lindsay  
United States District Judge

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<sup>1</sup> Rule 11 of the Rules Governing §§ 2254 and 2255 Proceedings reads as follows:

**(a) Certificate of Appealability.** The district court must issue or deny a certificate of appealability when it enters a final order adverse to the applicant. Before entering the final order, the court may direct the parties to submit arguments on whether a certificate should issue. If the court issues a certificate, the court must state the specific issue or issues that satisfy the showing required by 28 U.S.C. § 2253(c)(2). If the court denies a certificate, the parties may not appeal the denial but may seek a certificate from the court of appeals under Federal Rule of Appellate Procedure 22. A motion to reconsider a denial does not extend the time to appeal.

**(b) Time to Appeal.** Federal Rule of Appellate Procedure 4(a) governs the time to appeal an order entered under these rules. A timely notice of appeal must be filed even if the district court issues a certificate of appealability.