

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	No. 3:08-CR-167-B(3)
	)	
JARVIS DUPREE ROSS,	)	
Defendant.	)	


ORDER ACCEPTING FINDINGS AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE

After reviewing all relevant matters of record in this case, including the Findings, Conclusions, and Recommendation of the United States Magistrate Judge and any objections thereto, in accordance with 28 U.S.C. § 636(b)(1), the Court is of the opinion that the Findings and Conclusions of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court. For the reasons stated in the Findings, Conclusions, and Recommendation of the United States Magistrate Judge, the defendant's *Motion Requesting Assistance of Counsel* is **CONSTRUED** as a successive motion to vacate sentence filed under 28 U.S.C. § 2255. The Clerk of the Court is **DIRECTED** to (1) terminate the motion in this case; (2) open a new § 2255 habeas case; (3) docket the motion as a § 2255 motion filed June 30, 2020, in that new case; (4) directly assign the new case to the same District Judge and Magistrate Judge as in this case; (5) file a copy of the Findings, Conclusions, and Recommendation of the United States Magistrate Judge and this order accepting those Findings, Conclusions, and Recommendation; and (6) without further judicial action, immediately **TRANSFER** the newly opened § 2255 action to the United States Court of Appeals for the Fifth Circuit.<sup>1</sup>

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<sup>1</sup>A certificate of appealability (COA) is not required to appeal an order transferring a successive habeas petition. See *In re Garrett*, 633 F. App'x 260, 261 (5th Cir. 2016); *United States v. Fulton*, 780 F.3d 683 (5th

SIGNED this 17<sup>th</sup> day of August, 2020.



JANE J. BOYLE  
UNITED STATES DISTRICT JUDGE