

United States District Court  
Southern District of Texas

**ENTERED**

July 12, 2016

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION

HERIBERTO EZEQUIEL MARTINEZ-GARZA, §  
Petitioner, §

V. §

UNITED STATES OF AMERICA, §  
Respondent. §

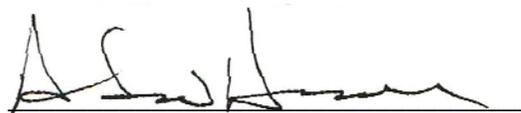
CIVIL ACTION NO. B-15-212  
CRIMINAL NO. B-14-301-1

**ORDER**

Pending is the Magistrate Judge's May 26, 2016, Report and Recommendation in the above-referenced cause of action. [Doc. No. 5] No objections have been lodged by either side and the time for doing so has expired.

Having reviewed the Report and Recommendation for plain error and having found none, it is the opinion of the Court that the Report and Recommendation is hereby adopted. Therefore, Mr. Heriberto Ezequiel Martinez-Garza's Motion to Vacate, Set Aside or Correct Sentence Pursuant to 28 U.S.C. § 2255 [Doc. No. 1] is denied and the issuance of a Certificate of Appealability is denied.

Signed this 12<sup>th</sup> day of July, 2016.



Andrew S. Hanen  
United States District Judge