

United States District Court  
Southern District of Texas

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION**

**ENTERED**

May 17, 2016

David J. Bradley, Clerk

JOSE TOMAS CASTILLO-GARZA,  
Petitioner,

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v.

Civil Action No. 1:16-CV-005


UNITED STATES OF AMERICA,  
Respondent.

**ORDER ADOPTING MAGISTRATE  
JUDGE’S REPORT AND RECOMMENDATION**

Before the Court is the Magistrate Judge’s Report and Recommendation (Dkt. No. 2) in the above-referenced cause of action. Jose Tomas Castillo-Garza (hereinafter referred to as “Petitioner”) filed a Response in Support of Motion Under 28 U.S.C. §2255 (Dkt. No. 9) on May 5, 2016, in which he reiterated that (1) he waived his appellate rights based on the faulty advice of counsel; (2) that his counsel should have requested that Petitioner be granted a fast-track plea agreement, based upon his status as a deportable alien; and (3) that his counsel should have objected to the inclusion of a prior aggravated felony in Petitioner’s presentence report criminal history. *See Id.*

Petitioner’s arguments in both his initial complaint and his response are conclusory and provide no facts or case law to support his claims. For these reasons, the Magistrate Judge’s Report and Recommendation is **ADOPTED**. It is therefore, **ORDERED, ADJUDGED, and DECREED** that Petitioner’s §2255 claim is dismissed with prejudiced. Additionally, a certificate of appealability shall not be issued.

Signed on this 17<sup>th</sup> day of May, 2016.

  
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Rolando Olvera  
United States District Judge