

United States District Court  
Southern District of Texas**ENTERED**

January 19, 2017

David J. Bradley, Clerk

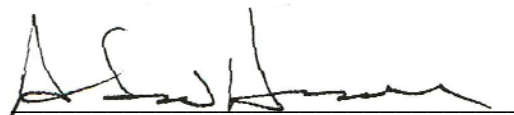
IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISIONCARMELO DANIEL PENA-GONZALEZ,  
Petitioner,§  
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VS.

CIVIL NO. B-16-020  
CRIMINAL NO. B-14-241-1UNITED STATES OF AMERICA,  
Respondent.**ORDER**

On September 13, 2016, the United States Magistrate Judge filed a Report and Recommendation. [Doc. No. 6]. On October 17, 2016, Plaintiff filed his Motion for Extension of Time to Respond to the Magistrate's Report and Recommendation, or in the Alternative, to Stay the Report in Light of Certiorari Being Granted in *Beckles v. U.S.* which is Applicable to the Case, *Sub Judice*; and, Actual and Factual Notice of Change of Address [Doc. No. 9]. On October 19, 2016, the Court granted Defendant an extension to file his objections by November 30, 2016. No objections were filed; however, the Court will consider Defendant's Motion [Doc. No. 9] as his objections to said Report and Recommendation.

Having considered *de novo* the Magistrate Judge's Report and Recommendation and the issues raised by Plaintiff's objections, the Court hereby adopts the Magistrate Judge's Report and Recommendation. Therefore, Petitioner Carmelo Daniel Pena-Gonzalez's Motion to Vacate, Set Aside or Correct his Sentence pursuant to 28 U.S.C. § 2255 [Doc. No. 1] is dismissed because he waived the right to file the instant petition. Alternatively, the motion is denied as meritless. The Motion to Stay is likewise denied. The issuance of a Certificate of Appealability is denied.

Signed this 19<sup>th</sup> day of January, 2017.

Andrew S. Hanen  
United States District Judge