

United States District Court  
Southern District of Texas

**ENTERED**

April 04, 2017

David J. Bradley, Clerk

**MARIO TREVINO TUNCHEZ**  
Petitioner,

V

UNITED STATES OF AMERICA  
Respondent.

Civil Action No. 1:16-cv-00131  
(Criminal Action 1:98-cr-158-2)

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

Before the Court is the “Magistrate Judge’s Report and Recommendation” (hereafter “R&R”) (Docket No. 9). The R&R recommends dismissing Tunchez’s “Motion to Vacate, Correct Illegal Sentence Under 18:2255(B),(F)(3)” (Docket No. 1). No Objections have been filed. After a de novo review of the file, the R&R is **ADOPTED**.

It is therefore **ORDERED**, **ADJUDGED**, and **DECREEED** that Tunchez's "Motion to Vacate, Correct Illegal Sentence Under 18:2255(B),(F)(3)" (Docket No. 1) is **DISMISSED** with prejudice pursuant to Rule 4(b) of the Rules Governing § 2255 Proceedings for the United States District Courts. A certificate of appealability shall not issue. The Clerk is **ORDERED** to close this case.

Signed on this 4<sup>th</sup> day of April, 2017.

~~Rolando Olvera~~  
United States District Judge