

United States District Court
Southern District of Texas

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

ENTERED

June 15, 2017

David J. Bradley, Clerk

ANGEL AVILA-MONTOYA,
Movant,

§
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§
§
§
§

v.

Civil Action No. 1:16-cv-00168
(Criminal Action 1:15-cr-103-1)

UNITED STATES OF AMERICA,
Respondent.


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

Before the Court is the "Magistrate Judge's Report and Recommendation" (hereafter "R&R") (Docket No. 5). The R&R recommends dismissing Angel Avila-Montoya's "Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody" (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 DECREED** that Avila-Montoya's "Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody" (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 15th day of June, 2017.



Rolando Olvera
United States District Judge