

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

United States District Court
Southern District of Texas

ENTERED

January 31, 2017

David J. Bradley, Clerk

RAFAEL PEDREZ,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

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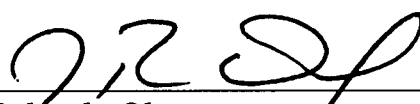
Civil Action No. 1:16-cv-00216
(Criminal Action No. 1:12-cr-00004-1)

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

Before the Court is the "Magistrate Judge's Report and Recommendation" (Docket No. 5) in the above-captioned case. The Magistrate Judge's Report and Recommendation recommends that Rafael Pedrez's "Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody" (Docket No. 1) be transferred to the Fifth Circuit for consideration as a successive § 2255 motion. No objections have been filed.

After a de novo review of the file, the "Magistrate Judge's Report and Recommendation" (Docket No. 5) is **ADOPTED**. It is therefore **ORDERED** that Pedrez'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 **TRANSFERRED** to the Fifth Circuit for consideration.

Signed on this 31 day of January, 2017.



Rolando Olvera
United States District Judge