

United States District Court  
Southern District of Texas

**ENTERED**

May 10, 2022

Nathan Ochsner, Clerk

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

ZACK SAYAS,  
“Petitioner,”

v.

UNITED STATES OF AMERICA,  
“Government.”

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Civil Action No. 1:21-cv-000061  
Criminal Action No. 1:16-cr-000956

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

Before the Court are these pleadings: Petitioner’s “Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody” (“§ 2255 Motion”) (Dkt. No. 13), Petitioner’s “Memorandum of Law in Support of Movant’s 28 U.S.C. § 2255” (Dkt. No. 14), Government’s “Motion for Summary Judgment” (“MSJ”) (Dkt. No. 30), and the “Magistrate Judge’s Report and Recommendation” (“R&R”) (Dkt. No. 38). The R&R recommends this Court (1) grant Government’s MSJ (Dkt. No. 30); (2) dismiss all the claims in Petitioner’s § 2255 Motion and supporting supplements; (3) decline to issue a certificate of appealability; and (4) direct the Clerk of Court to close this case.

No objections were filed by either party. When no objections are filed to a magistrate judge’s ruling, the district court applies the “clearly erroneous, abuse of discretion and contrary to law” standard of review. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). Finding no clear error, abuse of discretion, or finding contrary to law, the R&R is **ADOPTED**.

Government’s MSJ (Dkt. No. 30) is **GRANTED** and all the claims in Petitioner’s § 2255 Motion and supporting supplements are **DISMISSED**. The Court **DECLINES** to issue a certificate of appealability. The Clerk of the Court is **ORDERED** to close this case.

Signed on this 10<sup>th</sup> day of May, 2022.

  
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Rolando Olvera  
United States District Judge