

1 THE HONORABLE JOHN C. COUGHENOUR

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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 GREGORIO MORA ANTUNEZ,

10 Plaintiff,

11 v.

12 UNITED STATES OF AMERICA,

13 Defendant.
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CASE NO. C11-1270-JCC

ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DISMISSING ACTION

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16 This matter comes before the Court on the Report and Recommendation of United States
17 Magistrate Judge Mary Alice Theiler (Dkt. No. 10), to which there has been no timely objection.
18 The Court, after careful consideration of the parties' submissions, the report and recommendation,
19 and the balance of the record, does hereby find and **ORDER:**

20 (1) The Court adopts the Report and Recommendation;

21 (2) Petitioner's motion under § 2255 (Dkt. No. 1) is DENIED as untimely, and this
22 action is DISMISSED with prejudice;

23 (3) In accordance with Rule 11 of the Rules Governing Section 2255 Proceedings for
24 the United States District Courts, a certificate of appealability is DENIED; and
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1 (4) The Clerk shall send copies of this Order to Petitioner, to counsel for the
2 Government, and to Judge Theiler.

3 DATED this 23rd day of December 2011.

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7 John C. Coughenour
8 UNITED STATES DISTRICT JUDGE
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