

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

CHARLES WILLIE WEBSTER,

Movant

v.

CIVIL ACTION NO. 2:08-1412
(Criminal No. 2:03-00218)

UNITED STATES OF AMERICA,

Respondent

MEMORANDUM OPINION AND ORDER

The court has received the proposed findings and recommendation of the United States Magistrate Judge filed on December 16, 2008, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B).¹

¹Movant originally filed this action pursuant to 28 U.S.C. § 2241. The case was assigned to the Honorable David A. Faber, Senior United States District Judge. On December 29, 2008, movant sought an extension of the time to file objections, along with offering some assertions that might be characterized as objections. On December 30, 2008, Senior Judge Faber granted movant an extension of the deadline for objections until February 9, 2009. Movant has not filed additional objections following Judge Faber's December 30, 2008, order.

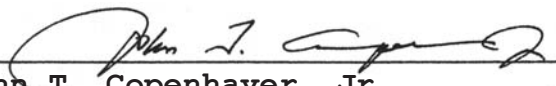
Inasmuch as the magistrate judge recommended that the movant's section 2241 application be recharacterized as a motion filed pursuant to 28 U.S.C. § 2255, this action was transferred on April 13, 2009, to the undersigned sentencing judge.

The magistrate judge recommends that the petitioner's section 2255 motion, as recharacterized, be denied inasmuch as it is untimely. The movant's objections are not meritorious. It is, accordingly, ORDERED that the findings and conclusions made in the proposed findings and recommendation of the magistrate judge be, and they hereby are, adopted by the court and incorporated herein. It is further ORDERED that the movant's section 2255 motion be, and it hereby is, denied.

Pursuant to Federal Rule of Appellate Procedure 4(a)(1)(B), movant shall have sixty days after the date of entry of this decree in which to appeal. The failure within that period to file with the Clerk of this court a notice of appeal of this memorandum opinion and order will render the Judgment and the memorandum opinion and order final and unappealable.

The Clerk is directed to forward copies of this order to the movant, all counsel of record, and the magistrate judge.

DATED: May 7, 2009



John T. Copenhaver, Jr.
United States District Judge