

IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA

HUNTINGTON DIVISION

TERRY L. PORTER,

Movant,

Case No. 3:07-cv-00037

Case No. 3:05-cr-00208-01

UNITED STATES OF AMERICA,

Respondent.


**MEMORANDUM OPINION AND ORDER**

This action was referred to the Honorable Mary E. Stanley, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the Court deny Defendant's § 2255 Motion (Doc. #65) and deny his Supplement Motion (Doc. #75). Neither party has filed objections to the Magistrate Judge's findings and recommendation.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **DENIES** Defendant's § 2255 Motion (Doc. #65) and **DENIES** his Supplement Motion (Doc. #75), consistent with the findings and recommendation.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: September 15, 2010



ROBERT C. CHAMBERS  
UNITED STATES DISTRICT JUDGE