

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

HUNTINGTON DIVISION

ETHAN JEROME MOORE,

Movant,

v.

CIVIL ACTION NO. 3:09-1262
(Criminal NO. 3:99-00090)

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable Cheryl A. Eifert, 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 Movant's "Motion to Correct Clear Sentencing Error in Order to Prevent a Manifest Injustice" (Doc. # 126) be denied; Movant's "Request Leave to Withdraw the Motion to Correct Clear Sentencing Error" (Doc. #159) be denied; and this civil action be dismissed, with prejudice, and removed from the docket of this Court. 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** Movant's "Motion to Correct Clear Sentencing Error in Order to Prevent a Manifest Injustice" (Doc. # 126); **DENIES** Movant's "Request Leave to Withdraw the Motion to Correct Clear Sentencing Error" (Doc. #159); and **DISMISSES** this civil action , with

prejudice, and removes it from the docket of this Court, 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 16, 2011

A handwritten signature in black ink, appearing to read 'R. C. Chambers', written over a horizontal line.

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE