

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 16-22002-CIV-LENARD/WHITE

ROBERT GRAY,

Movant,

v.

UNITED STATES OF AMERICA,


Respondent.

**ORDER ADOPTING REPORT OF MAGISTRATE JUDGE (D.E. 19), DENYING
MOTION UNDER 28 U.S.C. § 2255 TO VACATE, SET ASIDE, OR CORRECT
SENTENCE (D.E. 1), DENYING CERTIFICATE OF APPEALABILITY, AND
CLOSING CASE**

THIS CAUSE is before the Court on the Report of Magistrate Judge Patrick A. White, (“Report,” D.E. 19), issued on June 19, 2017, recommending that the Court denying Movant Robert Gray’s Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence, (“Motion,” D.E. 1), filed on June 3, 2016. Specifically, Judge White found that Movant’s claims are untimely and procedurally barred. (Report at 16.) The Report provides the Parties with fourteen (14) days to file objections. As of the date of this Order, no objections have been filed. Failure to file objections shall bar parties from attacking on appeal the factual findings contained in the report. See Resolution Trust Corp. v. Hallmark Builders, Inc., 996 F.2d 1144, 1149 (11th Cir. 1993). Therefore, after an independent review of the Report and record, it is hereby **ORDERED AND ADJUDGED** that:

1. The Report and Recommendation of the Magistrate Judge (D.E. 19) issued on June 19, 2017, is **ADOPTED**;
2. Movant's Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence is **DENIED**;
3. A certificate of appealability **SHALL NOT ISSUE**;
4. All pending motions are **DENIED AS MOOT**; and
5. This case is now **CLOSED**.

DONE AND ORDERED in Chambers at Miami, Florida this 11th day of July, 2017.


JOAN A. LENARD
UNITED STATES DISTRICT JUDGE