

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 19-14252-E

CARLTON BUTLER,

Petitioner-Appellant,

versus

UNITED STATES OF AMERICA,

Respondent-Appellee.

Appeal from the United States District Court
for the Middle District of Georgia

ORDER:

Carlton Butler moves for a certificate of appealability in order to appeal the district court's denial of his 28 U.S.C. § 2255 motion to vacate. Butler's motion for a certificate of appealability is DENIED because he has failed to make a substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253(c)(2). Accordingly, his motion for leave to proceed *in forma pauperis* is DENIED AS MOOT.

/s/ William H. Pryor Jr.
UNITED STATES CIRCUIT JUDGE

ATTACHED

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

CARLTON M. BUTLER,

Petitioner,

V.

UNITED STATES OF AMERICA,

Respondent.

CIVIL ACTION NO. 5:16-CR-16 (MTT)

ORDER

United States Magistrate Judge Charles H. Weigle recommends the Court deny Petitioner Carlton Butler's motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255 (Doc. 85). Doc. 89. The Magistrate Judge also recommends denying a certificate of appealability for failure to make a substantial showing of the denial of a constitutional right. *Id.* The Petitioner has filed an objection. Doc. 94.

Pursuant to 28 U.S.C. § 636(b)(1), the Court has considered the Petitioner's objections and has made a *de novo* determination of the portions of the Recommendation to which the Petitioner objects. In his objection, the Petitioner largely repeats his arguments made in his motion and states his disagreement with the law applicable to his case. *Compare* Doc. 85 *with* Doc. 94. After review, the Court accepts and adopts the findings, conclusions, and recommendations of the Magistrate Judge. The Recommendation (Doc. 89) is **ADOPTED** and made the Order of the Court, and the Petitioner's motion to vacate, set aside, or correct his sentence is **DENIED**. Additionally, a certificate of appealability is **DENIED**. Because there are no non-frivolous issues to raise on appeal, an appeal would not be taken in good faith. See 28

U.S.C. § 1915(a)(3). Accordingly, any motion to proceed *in forma pauperis* on appeal is also **DENIED**.

SO ORDERED, this 23rd day of September, 2019.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

CARLTON M. BUTLER,

*

Petitioner,

*

v.

Case No. 5:16-CR-16-MTT-CHW-001

*

UNITED STATES OF AMERICA,

*

Respondent.

*

J U D G M E N T

Pursuant to this Court's Order dated September 23, 2019, and for the reasons stated therein, JUDGMENT is hereby entered in favor of Respondent.

This 23rd day of September, 2019.

David W. Bunt, Clerk

s/ Vanessa Siaca, Deputy Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 19-14252-E

CARLTON BUTLER,

Petitioner-Appellant,

versus

UNITED STATES OF AMERICA,

Respondent-Appellee.

Appeal from the United States District Court
for the Middle District of Georgia

Before: WILLIAM PRYOR and ROSENBAUM, Circuit Judges.

BY THE COURT:

Carlton Butler has filed a motion for reconsideration, pursuant to 11th Cir. R. 22-1(c) and 27-2, of this Court's February 10, 2020, order denying a certificate of appealability and leave to proceed *in forma pauperis* in his appeal of the district court's denial of his *pro se* 28 U.S.C. § 2255 motion to vacate. Upon review, Butler's motion for reconsideration is DENIED because he has offered no new evidence or arguments of merit to warrant relief.