

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

FRANKIE SHEARRY, JR.,	:	
	:	
Petitioner,	:	
	:	
v.	:	CASE NO: 7:24-CV-71 (WLS)
	:	7:19-CR-42 (WLS)
UNITED STATES OF AMERICA,	:	
	:	
Respondent.	:	
_____	:	

ORDER

Before the Court is a Recommendation (Doc. 105) from United States Magistrate Judge Alfreda L. Sheppard. Therein, Judge Sheppard recommends that Petitioner Frankie Shearry, Jr.'s ("Petitioner") Motion to Vacate, Set Aside, or Correct Sentence Pursuant to 28 U.S.C. § 2255 be denied.

The Recommendation, filed on May 1, 2025, gave the Petitioner fourteen days to object to Judge Sheppard's findings and recommendations. (*See* Doc. 105). On May 29, 2025, Petitioner filed a Motion for Extension of Time (Doc. 106), requesting additional time to file an objection to the Recommendation, which the Court granted. (*See* Doc. 107). Petitioner's deadline to file an objection was extended through July 14, 2025. (*See id.*) More than forty-five days have passed since that deadline, and Petitioner has not filed an objection to the Recommendation. Therefore, in the absence of objections, the Court reviews the Recommendation for plain error and manifest injustice. *See United States v. Aponte*, 461 F. App'x 828, 830 n.2 (11th Cir. 2012).

Upon full review and consideration of the Record, the Court sees neither plain error nor manifest injustice in Judge Sheppard's Recommendation. The Recommendation (Doc. 105) is thus **ACCEPTED, ADOPTED**, and made the Order of this Court, for reason of the findings made and reasons stated therein. Petitioner's Motion to Vacate, Set Aside, or Correct Sentence Pursuant to 28 U.S.C. § 2255 (Doc. 101) is **DENIED**.

Additionally, a district court may issue a certificate of appealability “only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). To merit a certificate of appealability, the applicant must show that reasonable jurists would find it debatable (1) whether the petition states a valid claim of the denial of a constitutional right, and (2) whether the district court was correct in its procedural ruling. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

Petitioner failed to file an objection to Judge Sheppard’s Recommendation of the denial of a certificate of appealability. After reviewing the record, the Court finds that Petitioner has not made a substantial showing of a denial of a constitutional right as required by 28 U.S.C. § 2253(c)(2). Therefore, the Court agrees with Judge Sheppard’s Recommendation and **DENIES** Petitioner a certificate of appealability.

SO ORDERED, this 29th day of August 2025.

/s/ W. Louis Sands
W. LOUIS SANDS, SR. JUDGE
UNITED STATES DISTRICT COURT