

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

ALVIN DEMAR,
BOP # 29940-510

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

* MOTION TO VACATE
*
* 28 U.S.C. § 2255
*
* CRIMINAL ACTION NO.
* 24-CR-00094-JKL-1
*
* CIVIL ACTION NO.
* 25-CV-03950-JEM-ELR
*
*

ORDER

Movant Alvin Demar submitted what the Court has construed as a *pro se* motion to vacate his sentence pursuant to 28 U.S.C. §2255 in which he attempts to challenge his conviction and sentence in this Court. [Doc. 15.] Judge J. Elizabeth McBath recommends that Movant's § 2255 Motion be dismissed for failure to comply with the Court's Order and a Certificate of Appealability be denied as well. [Doc. 17.]

After conducting a careful and complete review of a magistrate judge's findings and recommendations, a district court judge may accept, reject, or modify a magistrate judge's R&R. 28 U.S.C. § 636(b)(1)(C); Williams v Wainwright, 681 F.2d 732 (11th Cir. 1982). No objections to the magistrate judge's R&R have been filed, and

therefore, the Court has reviewed the R&R for plain error. See United States v Slay, 714 F.2d 1093, 1095 (11th Cir. 1983). The Court finds no error.

Accordingly, the Court **ADOPTS** the R&R [Doc. 17] as the Opinion and Order of this Court. For the reasons stated in the R&R, the Court **DISMISSES** Movant's § 2255 Motion [Doc. 15] for failure to comply with the Court's Order. Additionally, the Court **DECLINES** to issue a certificate of appealability because after considering 28 U.S.C. § 2253(c)(2), the Court finds that Petitioner has not made a substantial showing of the denial of a constitutional right. The Court **DIRECTS** the Clerk to **CLOSE** the civil case associated with Petitioner's § 2255 Motion: Civil Action No. 25-CV-03950-ELR.

SO ORDERED, this 6th day of February, 2026.



Eleanor L. Ross
United States District Judge
Northern District of Georgia