

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 16-20183-Civ-COOKE/WHITE
(06-20753-Cr-COOKE)

DAVID LLOYD CAMERON,

Movant,

vs.

UNITED STATES OF AMERICA,

Respondent.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT

THIS MATTER was referred to the Honorable Patrick A. White, United States Magistrate Judge, pursuant to 28 U.S.C. §636(b)(1)(B), Rules 8 and 10 of the Rules Governing Section 2255 Cases in the United States District Courts, and Administrative Order 2003-19 of this Court, for a ruling on all pre-trial, non-dispositive matters and for a Report and Recommendation on any dispositive matters (ECF No. 3).

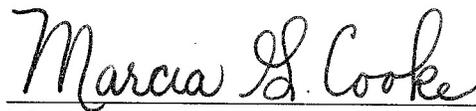
On March 30, 2017, Judge White issued a Supplemental Report of Magistrate Judge (ECF No. 26). In it, Judge White identifies two claims for relief set forth in Movant's *pro se* Section 2255 motion to vacate: (1) "The PSI erroneously applied the career offender enhancement based on a prior conviction that did not occur within the fifteen-year window as well as Florida burglary convictions that no longer qualify as 'crimes of violence' pursuant to Johnson;" and (2) "The Movant's armed career criminal sentence for Count 10 is invalid because it is based on Florida burglaries that no longer qualify as 'violent felonies' pursuant to Johnson." (ECF No. 26 at 1-2). Judge White recommends: (1) that Movant's first claim for relief be denied; and (2) that his second claim for relief be granted "solely to the extent that the Movant's ACCA-enhanced sentence be vacated, that his status as an armed career criminal be eliminated, and that a resentencing hearing be held after the probation officer has prepared an updated PSI." (*Id.* at 19-20). Movant did not file Objections, and the time to do so has passed.

I have considered Judge White's Report, the record, and the relevant legal authorities. I find Judge White's Report clear, cogent, and compelling. It is therefore **ORDERED and ADJUDGED** that Judge White's Supplemental Report of Magistrate Judge (ECF No. 26) is

AFFIRMED and ADOPTED. Accordingly, the Motion to Vacate Sentence (ECF No. 1) is **DENIED in part** and **GRANTED in part**. The Movant's ACCA-enhanced sentence is **VACATED**, and Movant shall be **RESENTENCED**. The Clerk is directed to **CLOSE** this case.

It is **FURTHER ORDERED and ADJUDGED** that Petitioner has not demonstrated that "jurists of reason could disagree with the district court's resolution of his constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further." *Miller-El v. Cockrell*, 537 U.S. 322, 326 (2003); *accord Lott v. Attorney Gen., Fla.*, 594 F.3d 1296, 1301 (11th Cir. 2010) (explaining that a "petitioner need not show he will ultimately succeed on appeal" in order to warrant a certificate of appealability). Accordingly, this Court **DENIES** a Certificate of Appealability in this case.

DONE and ORDERED in chambers, at Miami, Florida, this 16th day of March 2018.



MARCIA G. COOKE
United States District Judge

Copies furnished to:
Patrick A. White, U.S. Magistrate Judge
David Lloyd Cameron, pro se
Counsel of Record