

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

HAKEEM JAMAL BROWN,)	
)	
Petitioner,)	
)	1:15CV1012
v.)	1:14CR488-1
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

On December 1, 2015, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 32, 33.) No objections were filed within the time limits prescribed by § 636. However, Petitioner filed a request for appointment of counsel and for an extension of time (Doc. 34).

The court need not make a de novo review and the Magistrate Judge's Recommendation is hereby adopted.

IT IS THEREFORE ORDERED that Petitioner's letter-writing (Doc. 31) is construed as a motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255, and that this action be, and is hereby, dismissed without prejudice to Petitioner promptly filing a corrected motion on the proper § 2255 forms, correcting the defects set out in the Order and Recommendation.

IT IS FURTHER ORDERED that Petitioner's request for appointment of counsel and for an extension of time (Doc. 34) is **DENIED**. After careful review, this court finds that Petitioner has not shown good cause for the appointment of counsel. Furthermore, Petitioner's request for extension of time is premised upon the request for counsel and the fact Petitioner does not understand the format or the process. The Magistrate Judge has recommended dismissal without prejudice and the provision of forms and instructions to Petitioner. This court finds Petitioner's motion to extend time should be denied. Petitioner may review the forms and instructions provided as part of the Order.

A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 10th day of February, 2016.


United States District Judge