

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
AT MARTINSBURG**

**CHARLENE L. SHADE,
Petitioner,**

v.

**CIVIL ACTION NO. 3:03CV79
CRIMINAL ACTION NO. 3:02CR45-5
(BROADWATER)**

**UNITED STATES OF AMERICA,
Respondent.**

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day the above styled case came before the Court for consideration of the Report and Recommendation (**Docket # 10**) of Magistrate Judge James E. Seibert, dated March 1, 2005 regarding petitioner's Motion to Vacate under 28 U.S.C. § 2255. On March 30, 2005, this Court granted petitioner's request for an extension of time in which to file objections to the Report. On May 2, 2005 the petitioner filed her objections to the Magistrate Judge's Report and Recommendation. In the interests of justice and in accordance with 28 U.S.C. § 636(b)(1), the Court has conducted a *de novo* review of Magistrate Judge Seibert's findings of fact and recommendations to which the respondent objects. After reviewing the above, the Court is of the opinion that the Magistrate Judge's Report and Recommendation should be and is hereby **ORDERED** adopted.

The Court further **ORDERS** that petitioner's § 2255 motion (**Docket # 1**) be **DENIED and DISMISSED WITH PREJUDICE** based on the reasons set forth in the Magistrate Judge's Report and Recommendation. It is further **ORDERED** that this action be and is hereby **STRICKEN** from the active docket of this Court.

The Clerk is directed to transmit true copies of this Order to the petitioner and all counsel of record herein.

DATED this 5th day of May 2005.


**W. CRAIG BROADWATER
UNITED STATES DISTRICT JUDGE**