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

UNITED STATES OF AMERICA,	:	
	:	
v.	:	CRIMINAL ACTION NO.
	:	
ARTHUR ANTONIO JOHNSON (1),	:	1:21-cr-0044-AT-RGV-1
	:	
		CIVIL ACTION NO.
		1:23-cv-3924-AT-RGV

ORDER

Presently before the Court is the Magistrate Judge's Report and Recommendation that this Court grant Defendants' §2255 motion only as to his claim that counsel failed to file a notice of appeal. [Doc. 75]

A district judge has broad discretion to accept, reject, or modify a magistrate judge's proposed findings and recommendations. *United States v. Raddatz*, 447 U.S. 667, 680 (1980). The Court notes that no objections have been filed in response to the Magistrate Judge's Report and Recommendation. Therefore, in accordance with 28 U.S.C. § 636(b)(1) and Rule 59 of the Federal Rules of Criminal Procedure, the Court has reviewed the Magistrate Judge's Recommendation for clear error and finds none.

Accordingly, the Court receives the Magistrate Judge's Report and Recommendation with approval and hereby **ADOPTS** the Report and

Recommendation as the opinion of this Court [Doc. 75]. For the reasons stated in the Magistrate Judge's Report and Recommendation, the Court **GRANTS** Defendant's Motion to Vacate, set aside or correct sentence under 28 U.S.C. 2255 as to his claim that counsel failed to file a notice of appeal. All other claims are **DISMISSED WITHOUT PREJUDICE** [Doc. 68]. Further, pursuant to United States v. Phillips, 225 F.3d 1198, 1201 (11th Cir. 2000), the criminal judgment in this action is **VACATED** [Doc. 52]. The sentence, including all terms and conditions, imposed by this Court on September 7, 2022, shall be **REIMPOSED** with appropriate credit for time already served and any financial obligation that may have been met, at a hearing to be held on April 23, 2024, at 10:30 AM, in Courtroom 2308.

This matter is **REFERRED** to the Magistrate Judge for appointment of counsel for re-senting and appeal.

IT IS SO ORDERED this 28th day of February, 2024.

Amy Totenberg
United States District Judge