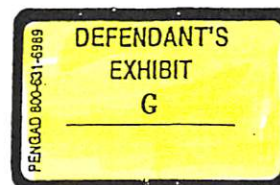


# EXHIBIT

ORDER & OPINION AND JUDGMENT BY JUDGE TIMOTHY L. BROOKS  
DATED MAY 8, 2015 (DOCS. 240, 241)

# G

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION



UNITED STATES OF AMERICA

PLAINTIFF

V.

CASE NO. 5:10-CR-50067-001

JAMES B. MITCHELL

DEFENDANT

MEMORANDUM OPINION AND ORDER

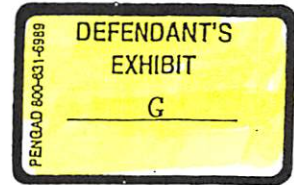
Currently before the Court are the Report and Recommendation ("R & R") (Doc. 233) filed in this case on March 24, 2015, by the Honorable Erin L. Setser, United States Magistrate Judge for the Western District of Arkansas, regarding Plaintiff James B. Mitchell's ("Mitchell") 28 U.S.C. § 2255 Motion to Vacate, Set Aside, or Correct Sentence (Doc. 87), and Mitchell's Objections to the R & R (Doc. 237). In light of Mitchell's Objections to the R & R, the Court has conducted a *de novo* review of the record, focusing in particular on the portions of the R & R to which specific objections have been made, in accordance with 28 U.S.C. § 636(b)(1)(C). After review, the Court finds that the objections lodged by Mitchell offer neither law nor fact requiring departure from the Magistrate's findings. Accordingly, the R & R (Doc. 233) is ADOPTED IN ITS ENTIRETY and Mitchell's § 2255 Motion to Vacate (Doc. 87) is DENIED. Because the entire case is dismissed with prejudice, Mitchell's Motion Objecting to Magistrate's Order of Denial on Docs. 223 and 228 (Doc. 235) is DENIED AS MOOT.

I. BACKGROUND

On September 15, 2010, Mitchell was charged in a twelve-count Superseding Indictment, along with two co-conspirators, Tiffney Fedele and Jason Fedele. (Doc. 29).

A TRUE COPY I CERTIFY  
DOUGLAS F. YOUNG, CLERK  
U.S. DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
By: Douglas F. Young

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION



UNITED STATES OF AMERICA

PLAINTIFF

V.

CASE NO. 5:10-CR-50067-001

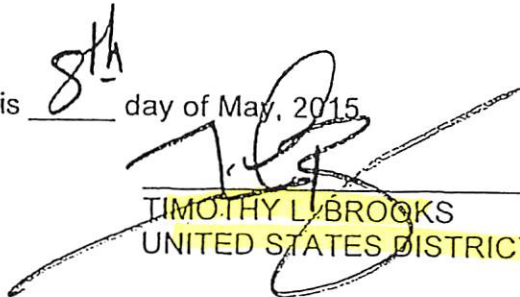
JAMES B. MITCHELL

DEFENDANT

JUDGMENT

For the reasons set forth in the Court's Order filed contemporaneously herewith, IT IS HEREBY ORDERED AND ADJUDGED that Plaintiff's case is DISMISSED WITH PREJUDICE.

IT IS SO ORDERED this 8th day of May, 2015.

  
TIMOTHY L. BROOKS  
UNITED STATES DISTRICT JUDGE

A TRUE COPY I CERTIFY  
DOUGLAS F. YOUNG, CLERK  
U.S. DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
By: 