

Roman v. United States

United States District Court for the Northern District of Georgia, Rome Division

May 14, 2026, Decided; May 14, 2026, Filed

CRIMINAL ACTION NO. 4:13-cr-00057-WMR-JHR-1; CIVIL ACTION NO. 4:26-cv-00039-WMR-JHR

Reporter

2026 U.S. Dist. LEXIS 106505 *; 2026 LX 214717

CHARLES DEANDRE ROMAN, Movant, v. UNITED STATES OF AMERICA, Respondent.

Counsel: [*1] Charles Deandre Roman, Petitioner (4:26cv39), Pro se, Edgefield, SC USA.

For USA, Plaintiff (4:13-cr-00057): Phyllis Clerk, LEAD ATTORNEY, Gabriel Adam Mendel, Office of the United States Attorney-ATL600, Northern District of Georgia, Atlanta, GA.

Judges: WILLIAM M. RAY, II, UNITED STATES DISTRICT JUDGE.

Opinion by: WILLIAM M. RAY, II

Opinion

ORDER

Charles DeAndre Roman moves to vacate, set aside, or correct his sentence under [28 U.S.C. § 2255](#). Motion (Mot.) (Doc. 56). The United States argues the motion should be granted in part. Response (Resp.) (Doc. 59). After consideration, the magistrate judge entered a report and recommendation (Doc. 60), recommending the following:

- Roman's motion to vacate his sentence be granted as to his ineffective assistance of counsel claims, and dismissed as untimely and procedurally defaulted as to his claim that his guilty plea was not knowing and voluntary
- A certificate of appealability be denied
- Civil Action No. 4:26-cv-00039 be closed
- The judgment in Criminal Action No. 4:13-cr-00057 be vacated
- Roman's 180-month sentence be reimposed with the specification that it runs concurrently with his state custodial sentence.

After a complete review, a district judge may accept, reject, or modify a magistrate [*2] judge's report and recommendation. See [28 U.S.C. § 636\(b\)\(1\)](#). If a party files a timely and specific objection to a finding or recommendation by a magistrate judge, the district judge must conduct a *de novo* review with respect to that factual issue. See [Stokes v. Singletary, 952 F.2d 1567, 1576 \(11th Cir. 1992\)](#); [28 U.S.C. § 636\(b\)\(1\)](#). Even in the absence of an objection, the district judge reviews the magistrate judge's legal conclusions *de novo*. See [Cooper-Houston v. S. Ry. Co., 37 F.3d 603, 604 \(11th Cir. 1994\)](#).

In the absence of any timely objection and after reviewing the factual findings and legal conclusions, the following is **ORDERED**:

A. The Court **ADOPTS** the report and recommendation (Doc. 60) and makes it part of this order for all purposes.

B. Roman's motion to vacate (Doc. 56) is **GRANTED** as to his ineffective assistance of counsel claims and **DISMISSED** as untimely and procedurally defaulted as to his claim that his guilty plea was not knowing and voluntary.

C. A certificate of appealability is **DENIED**.

D. The Clerk shall **CLOSE** Civil Action No. 4:26-cv-00039.

E. The Court **VACATES** the judgment in Criminal Action No. 4:13-cr-00057.

F. The Court **REIMPOSES** Roman's 180-month sentence to run concurrently with his state custodial sentence.

IT IS SO ORDERED, this 14th day of May, 2026.

/s/ William M. Ray, II

WILLIAM M. RAY, II

UNITED STATES DISTRICT JUDGE

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