

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

UNITED STATES OF AMERICA,

v.

JOSEPH MICHAEL MOONEY also
known as
"bjmjb",
Defendant.

CRIMINAL FILE NO.

1:07-CR-60-TWT

ORDER

This is a criminal case. It is before the Court on the Report and Recommendation [Doc. 173] of the Magistrate Judge recommending denying the proposed Defendant's Motion to Vacate Sentence [Doc. 104]. The Defendant argues that he could not be indicted or convicted of aggravated sexual abuse under 18 U. S. C. § 2241(c) because the intended victim was fictitious. The law in the Eleventh Circuit is clearly against him on this. It is irrelevant that some of the decisions were issued after he was indicted. That is no ex post facto violation. The other objections to the Report and Recommendation are without merit. The Court approves and adopts the Report and Recommendation as the judgment of the Court. The Defendant's Motion to Vacate Sentence [Doc. 104] is DENIED. The Defendant's Motions for Summary

Judgment [Doc. 153 & 157] and Motion for Return of Property [Doc. 158] are
DENIED.

SO ORDERED, this 17 day of April, 2013.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge