

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RICHARD B. KREIDER, JR.
Petitioner,
vs.
COMMONWEALTH OF PENNSYLVANIA, et al.,
Respondents.
CIVIL NO. 06-2501

ORDER

AND NOW, this 3rd day of April 2007, after careful and independent consideration of the record of the proceedings below, and upon review of the Report and Recommendation of U.S. Magistrate Judge L. Felipe Restrepo,1 and no objections being filed thereto, it is hereby

ORDERED, that the Report and Recommendation is APPROVED and ADOPTED; it is further

ORDERED, that the Petition for Writ of Habeas Corpus is DISMISSED; and it is further

ORDERED, that the request for a Certificate of Appealability is DENIED, for the reasons expressed in the Report and Recommendation.2

1 Judge Restrepo has recommended that the Court dismiss the Petition as time-barred under 28 U.S.C. § 2244(d)(1). Judge Restrepo has reported: (1) that the one-year limitations period began running on August 15, 2001, when Petitioner's direct-appeal rights expired; (2) that limitations was tolled from January 8, 2002 until August 10, 2005, while Petitioner's PCRA proceedings were pending; and (3) that the limitations period expired on March 20, 2006, several months before Petitioner signed his habeas petition on June 3, 2006. The Court finds this analysis to be correct.

2 Under the Rules of Appellate Procedure for the Third Circuit, this Court must determine whether a certificate of appealability should issue. 3d Cir. R. 22.2.

The Clerk shall **CLOSE** this case.

**BY THE COURT:**

**/s/ Cynthia M. Rufe**

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**CYNTHIA M. RUFÉ, J.**