

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

SCOTT SHAW : CIVIL ACTION
 :
v. : No. 13-2909
 :
COMMONWEALTH OF PA, et al. :

ORDER

AND NOW, this 11th day of April, 2017, upon careful and independent consideration of Petitioner Scott Shaw’s pro se Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, and after de novo review of the Report and Recommendation of United States Magistrate Judge Carol Sandra Moore Wells, to which no objections have been filed,¹ it is ORDERED:

- The Report and Recommendation (Document 20) is APPROVED and ADOPTED;
 - Shaw’s Petition for Writ of Habeas Corpus (Document 1) is DISMISSED as moot²;
- and
- The Clerk of Court is directed to mark this case CLOSED.

¹ The Report and Recommendation was sent to all parties of record on March 17, 2017, together with a Notice from the Clerk of Court advising the parties of their obligation to file any objections within 14 days after service of the Notice. *See* Local R. Civ. P. 72.1 IV(b) (“Any party may object to a magistrate judge’s proposed findings, recommendations or report under 28 U.S.C. § 636(b)(1)(B), and subsections 1(c) and (d) of this Rule within fourteen (14) days after being served with a copy thereof.”). As of today’s date, no objections have been filed.

² In his habeas petition, Shaw seeks relief from his sentence of mandatory life imprisonment without parole based on *Miller v. Alabama*, 132 S. Ct. 2455, 2460 (2012), in which the Supreme Court held a sentence of “mandatory life without parole for those under the age of 18 at the time of their crimes violates the Eighth Amendment’s prohibition on ‘cruel and unusual punishments.’” In addition to filing the instant federal habeas petition, Shaw also sought relief based on *Miller* in state court by filing a petition pursuant to the Pennsylvania Post Conviction Relief Act (PCRA). In October 2016, the state court granted Shaw’s PCRA petition and resentenced him to a term of 35 years to life. Because the state court has already granted Shaw relief from his mandatory life without parole sentence based on *Miller*—the same relief he seeks from this Court—his federal habeas petition is moot.

BY THE COURT:

/s/ Juan R. Sánchez
Juan R. Sánchez, J.