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

ARTHUR M. FERGUSON,	:	
	:	
Petitioner,	:	CIVIL ACTION NO. 14-3257
	:	
v.	:	
	:	
KENNETH R. CAMERON, THE ATTORNEY GENERAL OF THE STATE OF PENNSYLVANIA, and THE DISTRICT ATTORNEY OF DELAWARE COUNTY,	:	
	:	
Respondents.	:	

ORDER

AND NOW, this 24th day of May, 2017, after carefully considering the petition for habeas corpus under 28 U.S.C. § 2254 filed by the petitioner *pro se*, Arthur M. Ferguson (Doc. No. 1), the response to the petition filed by the respondents (Doc. No. 22), and United States Magistrate Judge Carol Sandra Moore Wells' report and recommendation filed on April 27, 2017 (Doc. No. 27); and no party having filed written objections to the report and recommendation; accordingly, it is hereby **ORDERED** as follows:

1. The clerk of court is **DIRECTED** to remove this action from civil suspense;

2. The report and recommendation (Doc. No. 27) is **APPROVED** and **ADOPTED**;[1]

3. The petition for writ of habeas corpus is **DISMISSED**;

[1] As indicated above, the petitioner has not filed written objections to the report and recommendation despite 26 days having passed since Judge Wells filed the report and recommendation. Since neither party has filed objections to Judge Wells' report and recommendation, the court need not review the report before adopting it. *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987). Nonetheless, "the better practice is for the district judge to afford some level of review to dispositive legal issues raised by the report." *Id.* As such, the court will review the report for plain error. *See Oldrati v. Apfel*, 33 F. Supp. 2d 397, 399 (E.D. Pa. 1998) ("In the absence of a timely objection, . . . this Court will review [the magistrate judge's] Report and Recommendation for clear error." (internal quotation marks omitted)). The court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). The court has reviewed Judge Wells' report for plain error and has found none.

4. The petitioner has not made a substantial showing of the denial of a constitutional right, and is therefore not entitled to a certificate of appealability, 28 U.S.C. § 2253(c)(2); and

5. The clerk of court shall mark this case as **CLOSED**.

BY THE COURT:

/s/ *Edward G. Smith*
EDWARD G. SMITH, J.