

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

FLORENCE ELIZABETH MASON,	:	
flesh and blood woman, individual,	:	
	:	
Petitioner,	:	CIVIL ACTION NO. 14-5640
	:	
v.	:	
	:	
COMMONWEALTH OF	:	
PENNSYLVANIA, et al.,	:	
	:	
Respondents.	:	

ORDER

AND NOW, this 30th day of December, 2015, after considering the petition under 28 U.S.C. § 2254 for writ of habeas corpus by a person in state custody and the attachments thereto filed by the *pro se* petitioner, Florence Elizabeth Mason (Doc. No. 1), the petitioner’s motion to correct the records due to clerical mistake and to add additional defendants (Doc. No. 3), the petitioner’s purported notice of removal (Doc. No. 5); and after also considering the variety of other documents submitted by the petitioner, including: (1) the submission of exhibits as evidence (Doc. No. 10); (2) the submission of a portion of the transcript from a hearing on July 7, 2011 (Doc. No. 11); (3) the “motion” to have certain “documents be entered upon the record of these proceedings as the laws that are binding on this case by judicial notice so that this and any other courts can not [sic] continue to lean to their own understanding” (Doc. No. 12); (4) the motion to enter certain documents on the record “as evidence of the ‘irregular’ and ‘improper’ proceedings held by the Court of Common Pleas (Doc. No. 13); (5) another document containing the laws that are supposedly binding on the case and more exhibits for judicial notice (Doc. No. 14); and (6) the “judicial notice that Cory M. Baritz tainted and perverted all hearings by the Commonwealth” (Doc. No. 17); and

AFTER ALSO CONSIDERING the report and recommendation of United States Chief Magistrate Judge Carol Sandra Moore Wells (Doc. No. 18) and the petitioner's objections and exceptions to the report and recommendation (Doc. No. 22); and for the reasons set forth in the accompanying memorandum opinion, it is hereby **ORDERED** as follows:

1. The report and recommendation (Doc. No. 18) is **APPROVED** and **ADOPTED** insofar as it recommends that the court dismiss the petition for the failure to exhaust state remedies;

2. The report and recommendation (Doc. No. 18) is **MODIFIED** insofar as it recommends that the court dismiss the petition for failure to exhaust under 28 U.S.C. § 2254; instead, the court will analyze the petition under 28 U.S.C. § 2241 and **DISMISS** the petition for the failure to exhaust state remedies under section 2241;

3. The objections and exceptions to the report and recommendation (Doc. No. 22) are **OVERRULED**;

4. The petition for writ of habeas corpus (Doc. No. 1) is **DISMISSED WITHOUT PREJUDICE** to the petitioner to refile once she has exhausted her state remedies; and

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

BY THE COURT:

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