

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

MICHAEL RIVERA,
Petitioner,
v.
JEROME WALSH, et al.,
Respondents.

: CIVIL ACTION
:
:
:
:
:
:
:
:

No. 13-1370

FILED

AUG 01 2014

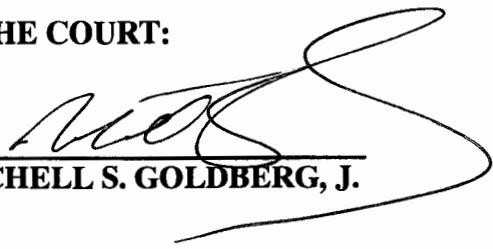
MICHAEL RIVERA, Clerk
By _____ Esq. Clerk

ORDER

AND NOW, this 31st day of July, 2014, upon careful and independent consideration of the Petition for Writ of Habeas Corpus, Respondents' Answer, the Report and Recommendation of United States Magistrate Judge Henry S. Perkin dated April 24, 2014, and Petitioner's objections to the Report and Recommendation, and after a thorough and independent review of the record, it is hereby **ORDERED** that:

1. Petitioner's objections are **OVERRULED**¹;
2. The Report and Recommendation is **APPROVED** and **ADOPTED**;
3. The Petition for Writ of Habeas Corpus is **DENIED** with prejudice and **DISMISSED** as untimely; and
4. There is no probable cause to issue a certificate of appealability.

BY THE COURT:


MITCHELL S. GOLDBERG, J.

ENTERED

AUG 01 2014

CLERK OF COURT

¹ Petitioner pleaded guilty to murder in the Berks County Court of Common Pleas on December 14, 2001, in accordance with a negotiated plea agreement. The Report and Recommendation cogently explained that his habeas petition, deemed filed on February 18, 2013, was filed approximately nine-years after the expiration of the one-year statute of limitations. 28 U.S.C. § 2244(d)(1). Petitioner's objections do not address this glaring procedural defect, and accordingly do not provide a basis for rejecting the Report and Recommendation.