

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

LUIS MANUEAL OCASIO-SANTANA : CIVIL ACTION
Petitioner :
 : NO. 17-3168
v. :
 :
SUPERINTENDENT MOONEY, et al. :
Respondents :

ORDER

AND NOW, this 4th day of December 2017, upon consideration of the *Report and Recommendation* issued on November 7, 2017, by the Honorable Henry S. Perkin, United States Magistrate Judge (“the Magistrate Judge”), [ECF 8], to which no objections were filed,¹ it is hereby **ORDERED** that:

- 1. The *Report and Recommendation* (the “R&R”) is **APPROVED** and **ADOPTED**;
- 2. Petitioner’s petition for a writ of *habeas corpus*, [ECF 1], is **DISMISSED** and **DENIED**; and
- 3. No probable cause exists to issue a certificate of appealability.

The Clerk of Court is directed to mark this matter **CLOSED**.

BY THE COURT:

/s/ Nitza I. Quiñones Alejandro
NITZA I. QUIÑONES ALEJANDRO
Judge, United States District Court

¹ As of the date of this Order, neither party has filed any objection and/or response to the R&R. In the absence of any objections, this Court reviews an R&R under the “plain error” standard, *see Facyson v. Barnhart*, 2003 WL 22436274, at *2 (E.D. Pa. May 30, 2003), to determine whether the Magistrate Judge committed any error that was “(1) clear or obvious, (2) affect[ed] ‘substantial rights, and (3) seriously affected the fairness, integrity or public reputation of judicial proceedings.” *See Leyva v. Williams*, 504 F.3d 357, 363 (3d Cir. 2007) (internal quotations and citations omitted). Here, after a thorough review of the record and the R&R, this Court finds no error was committed and, therefore, adopts the R&R in its entirety.