

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

THOMAS CERAUL,

*Petitioner,*

v.

ROBERT GILMORE, *et al.*,

*Respondents.*

CIVIL ACTION  
NO. 17-3486

**ORDER**

**AND NOW**, this 1st day of August, 2018, upon consideration of the Report and Recommendation filed by United States Magistrate Judge Marilyn Heffley (ECF No. 11), Thomas Ceraul's Objections thereto (ECF No. 16) and Ceraul's Motion for Appointment of Counsel (ECF No. 17), it is hereby **ORDERED** that:

1. Ceraul's objections are **OVERRULED in part**;
2. The case is referred to the Honorable Marilyn Heffley, United States Magistrate Judge, for a Report and Recommendation on the remaining issues as outlined in the Court's contemporaneously filed Memorandum Opinion;
3. Pursuant to Local Civil Rule 72.1.IV(c), all remaining issues and evidence shall be presented to the United States Magistrate Judge, and new issues and evidence shall not be raised after the filing of the Report and Recommendation if they could have been presented to the United States Magistrate Judge; and,
4. Ceraul's Motion for Appointment of Counsel is also referred to Judge Heffley for consideration of whether Ceraul "has presented a nonfrivolous claim and if the

appointment of counsel will benefit the petitioner and the court.” *Reese v. Fulcomer*, 946 F.2d 247, 264 (3d Cir. 1991).

BY THE COURT:

**/s/ Gerald J. Pappert**  
GERALD J. PAPPERT, J.