

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

ALEJANDRO DEJESUS HERNANDEZ,	:	
	:	
Petitioner	:	Civil Action No. 1:08-cv-00840
	:	
v.	:	(Chief Judge Kane)
	:	
WARDEN, LSCI ALLENWOOD,	:	
	:	
Respondent	:	

ORDER

AND NOW, on this 12th day of November, 2008, having given due consideration to the report and recommendation of Magistrate Judge Smyser (Doc. No. 5) and finding Petitioner Alejandro DeJesus Hernandez's objections thereto (Doc. No. 6), which essentially reiterate the arguments advanced in his petition (Doc. No. 1 at 2-7), to be without merit, **IT IS HEREBY**

ORDERED THAT:

1. Petitioner Alejandro DeJesus Hernandez's objections (Doc. No. 6) to the report and recommendation of Magistrate Judge Smyser are **OVERRULED**.
2. The report and recommendation of Magistrate Judge Smyser (Doc. No. 5) is **ADOPTED**.
3. Petitioner Alejandro DeJesus Hernandez's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 (Doc. No. 1) is **DISMISSED**.
4. The Clerk of Court is directed to **CLOSE** the file for the above-captioned case.

s/ Yvette Kane

 Yvette Kane, Chief Judge
 United States District Court
 Middle District of Pennsylvania