

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

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|--|---|--------------------------------------|
| <b>TERRY NELSON,</b>                                   | : | <b>CIVIL ACTION NO. 1:12-CV-2321</b> |
| <b>Petitioner</b>                                      | : |                                      |
|  | : | <b>(Judge Conner)</b>                |
| <b>v.</b>  | : |                                      |
|  | : |                                      |
| <b>PENNSYLVANIA BOARD OF<br/>PROBATION AND PAROLE,</b> | : |                                      |
| <b>Respondent</b>                                      | : |                                      |

**ORDER**

AND NOW, this 10th day of June, 2013, upon consideration of the Report and Recommendation of United States Magistrate Judge Martin C. Carlson (Doc. 14), recommending that the motion to dismiss (Doc. 11) be granted, and, following an independent review of the record, and noting that Petitioner filed objections<sup>1</sup> to the report (Doc. 15) on May 23, 2013, and the court finding Magistrate Judge Carlson's analysis to be thorough and well-reasoned, and the court finding the objections to be without merit and squarely addressed by Judge Carlson's report (Doc. 14), it is hereby ORDERED that:

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<sup>1</sup> Where objections to a magistrate judge's report and recommendation are filed, the court must perform a *de novo* review of the contested portions of the report. Supinski v. United Parcel Serv., Civ. A. No. 06-0793, 2009 WL 113796, at \*3 (M.D. Pa. Jan. 16, 2009) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n. 3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(c)). "In this regard, Local Rule of Court 72.3 requires 'written objections which . . . specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for those objections.'" Id. (citing Shields v. Astrue, Civ. A. No. 07-417, 2008 WL 4186951, at \*6 (M.D. Pa. Sept. 8, 2008)).

1. The Report and Recommendation of Judge Carlson (Doc. 14) are ADOPTED.
2. Respondent's motion to dismiss (Doc. 11) is GRANTED and the petition for writ of habeas corpus is DISMISSED.
3. There is no basis for the issuance of a certificate of appealability.
4. The Clerk of Court is directed to CLOSE this case.

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge