Reid v. Ebbert Doc. 9

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

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|---|---|---|
| **KENNETH R. REID,** | : | **CIVIL NO. 1:15-CV-1355** |
| **Petitioner** | : | **(Judge Rambo)** |
| **v.** | : | **(Magistrate Judge Saporito)** |
| **DAVID J. EBBERT,** | : | |
| **Respondent** | : | |

**O R D E R**

AND NOW, this 12th day of August, 2015, **IT IS HEREBY ORDERED THAT**:

1) The court adopts the report and recommendation (Doc. 5) of Magistrate Judge Saporito.

2) Petitioner's motion to amend the petition (Doc. 6) is deemed moot.

3) The petition for writ of habeas corpus (Doc. 1) filed pursuant to 28 U.S.C. § 2241 is dismissed without prejudice to Petitioner's right to file a petition pursuant to § 2255, subject to the pre-authorization requirements of 28 U.S.C. § 2254 and 2255(h).

4) The Clerk of Court shall close the file.

5) This court declines to issue a certificate of appealability.

s/Sylvia H. Rambo
United States District Judge

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