

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

DELON LUCIUS LANCASTER,	:	CIVIL ACTION NO. 1:15-CV-2491
	:	
Petitioner	:	(Chief Judge Conner)
	:	
v.	:	
	:	
JON D. STAPLES, United States Chief	:	
Counsel for I.N.S.,	:	
	:	
Respondent	:	

ORDER

AND NOW, this 25th day of January, 2016, upon consideration of the report (Doc. 5) of Magistrate Judge Joseph F. Saporito, Jr., opining that this court lacks jurisdiction over the instant *pro se* petition (Doc. 1) for review of a final order of removal, and recommending that the court transfer this matter to the United States Court of Appeals for the Third Circuit, (Doc. 5 at 2), and it appearing that petitioner does not object to the report, see FED. R. CIV. P. 72(b)(2), and the court noting that failure of a party to timely object to a magistrate judge’s conclusions “may result in forfeiture of *de novo* review at the district court level,” Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (citing Henderson v. Carlson, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district court should “afford some level of review to dispositive legal issues raised by the report,” Henderson, 812 F.2d at 878; see also Taylor v. Comm’r of Soc. Sec., 83 F. Supp. 3d 625, 626 (M.D. Pa. 2015) (citing Univac Dental Co. v. Dentsply Int’l, Inc., 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010)), to “satisfy itself that there is no clear error on the face of the record,” FED. R.

Civ. P. 72(b), advisory committee notes, and, following an independent review of the record, the court being in agreement with Judge Saporito that Section 1252(a)(5) of Title 8 of the United States Code divests this court of jurisdiction over the instant petition and, in turn, vests exclusive authority to review same in the United States Court of Appeals for the Third Circuit, (see Doc. 5 (quoting 8 U.S.C. § 1252(a)(5); Jordon v. Att’y Gen. of U.S., 424 F.3d 320, 326 (3d Cir. 2005))), and the court further in agreement that the interest of justice compels transfer of this matter to the appellate court rather than outright dismissal, and concluding that there is no clear error on the face of the record, it is hereby ORDERED that:

1. The report (Doc. 5) of Magistrate Judge Saporito is ADOPTED.
2. The Clerk of Court is directed to TRANSFER the above-captioned action to the United States Court of Appeals for the Third Circuit. See 28 U.S.C. § 1631.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania