

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

JOHN F. JACKSON,	:	1:16-cv-910
Petitioner,	:	
	:	
v.	:	Hon. John E. Jones III
	:	
WARDEN, FCI ALLENWOOD	:	
LOW,	:	Hon. Joseph F. Saporito, Jr.
Respondent.	:	

ORDER

April 6, 2017

AND NOW, upon consideration of the Report and Recommendation (Doc. 6) of United States Magistrate Judge Joseph F. Saporito, Jr., recommending that we dismiss the Petitioner’s amended petition for writ of habeas corpus (Doc. 2) without prejudice to his right to file a 28 U.S.C. § 2255 motion in the sentencing court, in the Western District of Virginia, subject to the preauthorization requirements of 28 U.S.C. §§ 2244 and 2255(h), and noting that Petitioner has filed objections (Doc. 7) ¹, and the Court finding Judge Saporito’s analysis to be

¹ 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)). Although the standard of review is *de novo*, 28 U.S.C. § 636(b)(1) permits

thorough, well-reasoned, and fully supported by the record, and the Court further finding Petitioner's objections to be without merit² **IT IS HEREBY ORDERED**

THAT:

1. The Report and Recommendation of Magistrate Judge Saporito (Doc. 6) is **ADOPTED** in its entirety.
2. The Petitioner's amended habeas petition (Doc. 2) is **DIMISSED WITHOUT PREJUDICE** to Petitioner filing a 28 U.S.C. § 2255 motion with the sentencing court.
3. The Clerk of Court shall **CLOSE** the file on this case.

s/ John E. Jones III
John E. Jones III
United States District Judge

whatever reliance the district court, in the exercise of sound discretion, chooses to place on a magistrate judge's proposed findings and recommendations. *See United States v. Raddatz*, 447 U.S. 667, 674-75 (1980); *see also Matthews v. Weber*, 423 U.S. 261, 275 (1976); *Goney v. Clark*, 749 F.2d 5, 7 (3d Cir. 1984).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).

² Petitioner's submission contains no arguments that cause us to depart from the Magistrate Judge's appropriate reasoning and correct conclusions.