

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

<b>DWAYNE J. FERGUSON, JR.,</b>	:	
<b>Petitioner</b>	:	<b>No. 1:16-cv-1914</b>
	:	
<b>v.</b>	:	<b>(Judge Kane)</b>
	:	<b>(Magistrate Judge Saporito)</b>
<b>MARY SABOL, Warden,</b>	:	
<b>Respondent</b>	:	

**ORDER**

Before the Court in the above-captioned case is the December 9, 2016 Report and Recommendation of Magistrate Judge Saporito. (Doc. No. 13.) No timely objections have been filed. **ACCORDINGLY**, on this 29th day of December 2016, upon review of the record and the applicable law, **IT IS HEREBY ORDERED THAT**:

1. The Court adopts the Report and Recommendation (Doc. No. 13), of Magistrate Judge Saporito;
2. Petitioner Dwayne J. Ferguson, Jr.'s motion for voluntary dismissal (Doc. No. 11), is **GRANTED**;
3. Petitioner Dwayne J. Ferguson, Jr.'s petition for federal habeas corpus relief (Doc. No. 1), is **DISMISSED AS MOOT**; and
4. The Clerk of Court is directed to close the above-captioned case.

s/ Yvette Kane  
Yvette Kane, District Judge  
United States District Court  
Middle District of Pennsylvania