

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

WILLIAM ROHLAND,	:	CIVIL ACTION NO. 1:17-CV-333
	:	
Petitioner	:	(Chief Judge Conner)
	:	
v.	:	
	:	
KEVIN KAUFFMAN,	:	
Superintendent of SCI Huntingdon,	:	
	:	
Respondent	:	

ORDER

AND NOW, this 27th day of July, 2017, upon consideration of the report (Doc. 27) of Magistrate Judge Joseph F. Saporito, Jr., recommending the court dismiss the petition (Doc. 1) for writ of habeas corpus by *pro se* petitioner William Rohland (“Rohland”) as an unauthorized second or successive petition pursuant to 28 U.S.C. § 2244(b)(2), without prejudice to Rohland’s right to seek preauthorization from the Third Circuit Court of Appeals to file same under 28 U.S.C. § 2244(b)(3), and the court noting that Rohland objects to the report (Doc. 30), and, following a *de novo* review of the contested portions of the report, see Behar v. Pa. Dep’t of Transp., 791 F. Supp. 2d 383, 389 (M.D. Pa. 2011) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n.3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(C)), and applying a clear error standard of review to the uncontested portions, see Cruz v. Chater, 990 F. Supp. 375, 376-78 (M.D. Pa. 1999), the court being in agreement with Judge Saporito that Rohland’s instant petition is an unauthorized second or successive petition filed without leave of the Third Circuit Court of Appeals, see 28 U.S.C. § 2244(b)(2)-(3), and finding

Judge Saporito's analysis to be thorough, well-reasoned, and fully supported by the record, and further finding Rohland's objection to be without merit and squarely addressed by Judge Saporito's report,¹ it is hereby ORDERED that:

1. The report (Doc. 27) of Magistrate Judge Saporito is ADOPTED.
2. The petition (Doc. 1) for writ of habeas corpus by petitioner William Rohland ("Rohland") is DISMISSED without prejudice to Rohland's right to request leave from the Third Circuit Court of Appeals to pursue a second or successive petition pursuant to 28 U.S.C. § 2244(b)(2) and (b)(3).
3. Rohland's motion (Doc. 28) for recusal and demand (Doc. 29) for evidentiary hearing are DENIED.
4. The court finds no basis to issue a certificate of appealability. See 28 U.S.C. § 2253(c); R. GOVERNING § 2254 CASES R. 11(a).
5. The Clerk of Court is directed to CLOSE this case.

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

¹ In addition to reasserting arguments thoroughly addressed by Judge Saporito's report, (Doc. 30), Rohland also moves for recusal of the above-signed judicial officer, (Doc. 28), and demands an evidentiary hearing, (Doc. 29). Recusal is required in any proceeding in which a judge's impartiality might reasonably be questioned, as well as in certain enumerated circumstances in which the judge or a relative thereof has some interest in the litigation. See 28 U.S.C. § 455. Rohland identifies no such circumstances in this case. Accordingly, his motion (Doc. 28) for recusal will be denied. Further, because we dismiss Rohland's instant petition on jurisdictional grounds rather than for factual deficiency, the court will deny his demand (Doc. 29) for evidentiary hearing without prejudice.