

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

<b>KENNETH ROSHAUN REID,</b>	:	<b>Civil No. 1:17-cv-1062</b>
	:	
<b>Plaintiff,</b>	:	
	:	
v.	:	
	:	
<b>WARDEN DAVID J. EBBERT,</b>	:	
	:	
<b>Defendant.</b>	:	<b>Judge Sylvia H. Rambo</b>

**ORDER**

**AND NOW**, this 24<sup>th</sup> day of May, 2018, **IT IS HEREBY ORDERED** as follows:

- 1) The report and recommendation of the magistrate judge is **ADOPTED**.
- 2) The petition for a writ of habeas corpus is **DISMISSED WITHOUT PREJUDICE** to Reid's right to file a § 2255 motion in the appropriate court, subject to the pre-authorization requirements of 28 U.S.C. §§ 2244 and 2255(h).
- 3) The court declines to issue a certificate of appealability as it is without jurisdiction.

s/Sylvia H. Rambo  
 SYLVIA H. RAMBO  
 United States District Judge