

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

HARDAWAY VOLCY,

Petitioner,

v.

UNITED STATES OF AMERICA;
RONNIE HOLT; KRIS ERICKSON; and
LLOYD BENDER,

Respondents.

CIVIL ACTION NO. 3:11-CV-2072

(JUDGE CAPUTO)

(MAGISTRATE JUDGE MANNION)

ORDER

NOW this 21st day of March, 2011, after consideration of Magistrate Judge Malachy

E. Mannion's Report and Recommendation (Doc. 15), **IT IS HEREBY ORDERED THAT:**

- (1) The January 5, 2012 Report and Recommendation is **ADOPTED**. Volcy's Petition (Doc. 1-2) is **DISMISSED** for lack of jurisdiction.
- (2) Petitioner's "Writ of Protection and Motion for Mandamus for Issuance of 'Order' Under 28 U.S.C. § 1361" (Doc. 1), Motion for Appointment of Counsel (Doc. 2), "Motion to Discharge Petitioner/Plaintiff From Custody on Habeas Corpus 28 U.S.C. §2241 for Involuntary Servitude/Forced Labor and Cruel and Unusual Punishment Under the 8th and 13th Amendment of the Constitution and Other Grounds" (Doc. 5), and "Motion to Discharge Petitioner From Custody on Habeas Corpus 28 U.S.C. §2241 for Lack of Subject Matter Jurisdiction, Lack of Jurisdiction and Other Ground" (Doc. 6) are **DISMISSED AS MOOT**.
- (3) The Clerk of Court is directed to **CLOSE** this case.

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge