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

THOMAS BENJAMIN ELLINGTON,:

Petitioner : CIVIL NO. 3:17-CV-0518

:

v. : (Judge Nealon)

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MICHAEL OVERMYER, <u>ET AL.</u>, : (Magistrate Judge Mehalchick)

Respondents

## **ORDER**

NOW, THIS 24<sup>TH</sup> DAY OF OCTOBER, 2017, for the reasons set forth in the Memorandum issued this date, IT IS HEREBY ORDERED THAT:

- 1. The Report and Recommendation, (Doc. 38), is **ADOPTED**;
- 2. Plaintiff's motion for extension of time to file objections, (Doc. 39), is **DENIED AS UNTIMELY** as it was filed past the six (6) day additional time given to a prisoner per the mailbox rule;
- 3. The petition for writ of habeas corpus, (Doc. 1), is **DENIED** and **DISMISSED WITH PREJUDICE**; and
- 4. The Clerk of Court is directed to **CLOSE** this case.

/s/ William J. Nealon
United States District Judge