

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

<b>JEROME McDAVIS,</b>	:	
	:	
<b>Petitioner</b>	:	<b>CIVIL ACTION NO. 3:15-0725</b>
	:	
<b>v.</b>	:	<b>(Judge Mannion)</b>
	:	
<b>Warden VINCE MOONEY</b>	:	
	:	
<b>Respondent</b>	:	

**ORDER**

For the reasons set forth in the Memorandum of this date, **IT IS HEREBY**

**ORDERED THAT:**

1. The petition for writ of habeas corpus, (Doc. [1](#)) is **DISMISSED** without prejudice to any right Petitioner may have to reassert his instant claims in a properly filed civil rights action.
2. Petitioner's motion to proceed in forma pauperis (Doc. 4) is **DISMISSED** as moot as the filing fee was paid on April 27, 2015.
3. The Clerk of Court shall **CLOSE** this case.
4. There is no probable cause to issue a certificate of appealability.<sup>1</sup>

*s/ Malachy E. Mannion*  
**MALACHY E. MANNION**  
United States District Judge

**Dated: May 5, 2015**

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<sup>1</sup>Jurists of reason would not debate the procedural or substantive disposition of the Petitioner's claims. See [Slack v. McDaniel, 529 U.S. 473, 484 \(2000\)](#). Therefore, no certificate of appealability will be granted. See id.