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

HERBERT APONTE,

Petitioner,

NO. 3:15-CV-01154

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(JUDGE CAPUTO)

JUDGE ARTHUR ZUCICK, et al.,

(MAGISTRATE JUDGE SAPORITO)

Respondent.

<u>ORDER</u>

NOW, this 27th day of October, 2015, upon review of the Report and Recommendation of Magistrate Judge Saporito (Doc. 6) for plain error or manifest injustice, IT IS HEREBY ORDERED that:

- (1) The Report and Recommendation (Doc. 6) is ADOPTED in its entirety.
- (2) Petitioner's Petition for Writ of Habeas Corpus (Doc. 1) is **DISMISSED**without prejudice to the Petitioner's right to seek pre-authorization from the
 Third Circuit Court of Appeals under 28 U.S.C. § 2244(b)(3).
- (3) No certificate of appealability shall issue due to Petitioner's failure to demonstrate a substantial showing of the denial of a constitutional right.
- (4) Petitioner shall immediately inform the Court of any change in his current address in accordance with Local Rule 83.18.

A. Richard Caputo

United States District Judge