

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

LAMARR SISTRUNK,
Petitioner

No. 3:16cv815

(Judge Munley)

v.

McGINLEY, SUPT. SCI-COAL
TOWNSHIP,
Respondent

FILED
SCRANTON

NOV 20 2017

PER  DEPUTY CLERK

ORDER

AND NOW, to wit, this 20th day of November 2017, we have before us for disposition Magistrate Judge Karoline Mehalchick's report and recommendation, which proposes the denial and dismissal of Lamarr Sistrunk's petition for writ of habeas corpus. No objections to the report and recommendation have been filed, and the time for such filing has passed. Therefore, in deciding whether to adopt the report and recommendation, we must determine if a review of the record evidences plain error or manifest injustice. FED. R. CIV. P. 72(b) 1983 Advisory Committee Notes ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record to accept the recommendation"); see also 28 U.S.C. § 636(b)(1); Sullivan v. Cuyler, 723 F.2d 1077, 1085 (3d Cir. 1983).

After a careful review, we find neither a clear error on the face of the record nor a manifest injustice, and therefore, we shall adopt the report and recommendation. It is hereby **ORDERED** as follows:

- 1) The magistrate judge's report and recommendation (Doc. 21) is **ADOPTED**;

- 2) Lamarr Sistrunk's petition for writ of habeas corpus (Doc. 1) is hereby **DENIED** and **DISMISSED WITH PREJUDICE**;
- 3) Based on the reasoning set forth in the report and recommendation, we find that Sistrunk has failed to demonstrate a substantial showing of the denial of a constitutional right. Therefore, we decline to issue a certificate of appealability and
- 4) The Clerk of Court is directed to close this case.

BY THE COURT:



JUDGE JAMES M. MUNLEY
United States District Court