

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

ROBERT BENCHOFF, :
 :
 Petitioner : CIVIL ACTION NO. 3:16-1312
 :
 v. : (JUDGE MANNION)
 :
 LAUREL HARRY, Superintendent, :
 SCI Camp Hill, et al., :
 :
 Respondents :
 :

ORDER

In accordance with the memorandum issued this same day in the above-captioned matter, **IT IS HEREBY ORDERED THAT:**

- (1) The report and recommendation of Judge Saporito, (**Doc. 22**), is **ADOPTED IN ITS ENTIRETY**.
- (2) The petitioner's objections to Judge Saporito's report, (**Doc. 26**), are **OVERRULED**.
- (3) The respondents' motion to dismiss the petition for writ of habeas corpus, (**Doc. 17**), is **GRANTED**.
- (4) The petition for writ of habeas corpus, (**Doc. 1**), is **DISMISSED** as a second or successive petition, without prejudice to the petitioner's right to seek pre-authorization from the Third Circuit under 28 U.S.C. §2244(b)(3).
- (5) The court declines to issue a certificate of appealability under 28 U.S.C. §2253, as the petitioner has failed to make

a substantial showing of the denial of a constitutional right.

- (6) The petitioner's motion for judgment on the pleadings, **(Doc. 23)**, motion for leave of court, **(Doc. 28)**, second motion for appointment of counsel, **(Doc. 30)**, and motion to conduct discovery, **(Doc. 31)**, are **DISMISSED**.
- (7) The Clerk of Court is directed to **CLOSE THIS CASE**.

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

Date: September 29, 2017

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