

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

GENE MIGUEL WILSON,

Petitioner,

v.

JOHN A. PALAKOVICH, *et al.*,

Respondents.

Civil Action No. 07-266 Erie

**MEMORANDUM ORDER**

This petition for writ of habeas corpus was received by the Clerk of Court on October 4, 2007 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [23], filed on April 23, 2010, recommends that the Amended Petition for Writ of Habeas Corpus [18] be denied and that a certificate of appealability be denied. The parties were allowed ten (10) days from the date of service in which to file objections. Service was made on Petitioner by certified mail at SCI Smithfield, where he is incarcerated. Petitioner has filed no objections to Magistrate Judge Baxter's Report and Recommendation. After de novo review of the petition and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 22<sup>nd</sup> day of June, 2010,

IT IS ORDERED that the Amended Petition for Writ of Habeas Corpus [18] be, and hereby is, DENIED.

Inasmuch as Petitioner has failed to make a substantial showing of the denial of a constitutional right and jurists of reason would not find it debatable whether

Petitioner's claims are without merit, IT IS FURTHER ORDERED that no certificate of appealability shall issue.

The Report and Recommendation of Magistrate Judge Baxter [23], filed on April 23, 2010, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin  
SEAN J. McLAUGHLIN  
United States District Judge

cm: All parties of record  
Susan Paradise Baxter, U.S. Magistrate Judge