

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

ROBERT REEVES,

Petitioner,

v.

MARILYN S. BROOKS, *et al.*,

Respondents.

Civil Action No. 07-270 Erie

MEMORANDUM ORDER

This petition for writ of habeas corpus was received by the Clerk of Court on October 9, 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 [87], filed on April 16, 2010, recommends that the petition for writ of habeas corpus, as amended, 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 Albion, 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 14th day of May, 2010;

IT IS ORDERED that the Petition for Writ of Habeas Corpus, as amended, be, and hereby is, DENIED. Inasmuch as jurists of reason would not find debatable the issue whether Petitioner's habeas claims are procedurally defaulted, IT IS FURTHER ORDERED that no certificate of appealability shall issue.

The Report and Recommendation of Magistrate Judge Baxter [87], filed on April 16, 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