

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

ANTONIO D. FERGUSON,)	
)	Civil Action No. 09 - 72E
Petitioner,)	
)	District Judge Maurice B. Cohill
v.)	
)	
SUPERINTENDENT DAVID DIGUGLIELMO;)	
THE ATTORNEY GENERAL OF THE STATE)	
OF PENNSYLVANIA, and THE DISTRICT)	
ATTORNEY OF THE COUNTY OF ERIE,)	
BRADLEY H. FOULK;)	
)	
Respondents.)	

MEMORANDUM ORDER

On March 31, 2009, the above captioned case was initiated by the filing of Petition for Writ of Habeas Corpus and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The Magistrate Judge's Report and Recommendation filed on June 16, 2010 (ECF no. 15) recommended that the Petition for Writ of Habeas Corpus be denied and that a certificate of appealability be denied. On July 21, 2010, Petitioner filed Objections to the Report and Recommendation (ECF no. 17). Petitioner's objections do not undermine the recommendation of the Magistrate Judge.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, and the Objections thereto, the following order is entered:

AND NOW, this 4th day of August, 2010;


IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus is **DENIED**.

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF no. 15) is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.


Maurice B. Cohill
United States District Judge

cc: Antonio D. Ferguson
GB-8731
SCI Graterford
P.O. Box 244
Graterford, PA 19426-0244