

**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.	)	Chief Magistrate Judge Lisa Pupo Lenihan
	)	
SUPERINTENDENT DAVID	)	
DIGUGLIELMO, ATTORNEY	)	
GENERAL OF THE STATE OF	)	
PENNSYLVANIA, and DISTRICT	)	
ATTORNEY OF THE COUNTY OF	)	
ERIE, BRADLEY H. FOULK,	)	
	)	
Respondents.	)	

**MEMORANDUM ORDER**

AND NOW, this 6<sup>th</sup> day of August, 2014, after Petitioner having filed a “Motion for Relation Back to Amendments” on July 8, 2014 (ECF No. 29), which the Magistrate Judge appropriately construed as a Motion for Relief from Judgment pursuant to Federal Rule of Civil Procedure 60(b); and after the Magistrate Judge filed a Report and Recommendation on July 9, 2014 (ECF No. 30), recommending that the Motion for Relief from Judgment be denied; and after Petitioner filed objections to the Report and Recommendation on July 21, 2014 (ECF No. 31); and upon consideration of Petitioner’s objections, the Report and Recommendation and an independent review of the record;

**IT IS HEREBY ORDERED** that the Report and Recommendation (ECF No. 30) is **ADOPTED** as the Opinion of this Court.

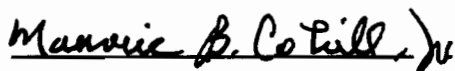
**IT IS FURTHER ORDERED** that, for the reasons set forth in the Report and Recommendation, the Motion for Relief from Judgment (ECF No. 29) is **DENIED**.

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

**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, if any party wishes to appeal from this Order then a notice of appeal, as provided in Fed. R. App. P. 3, must be filed with the Clerk of Court, United States District Court, at 700 Grant Street, Room 3110, Pittsburgh, PA 15219, within thirty (30) days.

By the Court:



Maurice B. Cohill  
United States District Judge

cc: Antonio D. Ferguson  
GB-8731  
SCI Graterford  
P.O. Box 244  
Graterford, PA 19426-0244  
*(Via First Class Mail)*

Counsel of Record  
*(Via CM/ECF Electronic Mail)*