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

JOSEPH VANDERHOOF,	}
Petitioner,	Civil Action No. 09-191 Erie
V.	
FRANCISCO QUINTANA, et al.,	
Respondents.	}

MEMORANDUM ORDER

This habeas corpus action was received by the Clerk of Court on July 30, 2009 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 [Doc. No. 10], filed on November 23, 2009, recommended that Petitioner's case be dismissed for failure to prosecute. Petitioner was allowed ten (10) days from the date of service to file objections and service was made on Petitioner by certified mail. No objections were filed. After <u>de novo</u> review of the documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 15th day of December, 2009;

IT IS HEREBY ORDERED that the Petitioner's case is DISMISSED for failure to prosecute.

The Report and Recommendation [Doc. No. 10] of Magistrate Judge Baxter, filed on November 23, 2009, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin United States District Judge

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