

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

PATRICK BROWN,

Petitioner,

v.

EQUITY, et al.,

Respondents.

Civil Action No. 10-239 Erie

MEMORANDUM ORDER

This mandamus action was received by the Clerk of Court on September 27, 2010 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. 5], filed on October 14, 2010, recommended that the Petition for Writ of Mandamus be construed as a Petition for Writ of Habeas Corpus, and further recommended that the matter be transferred forthwith to the United States District Court for the Eastern District of Pennsylvania. Petitioner was allowed fourteen (14) days from the date of service to file objections and service was made on Petitioner by certified mail. Objections were filed on October 21, 2010 [Doc. No. 6]. After *de novo* review of the Petition and documents in the case, together with the Report and Recommendation and Objections thereto, the following order is entered:

AND NOW, this 9th day of November, 2010;

IT IS HEREBY ORDERED that Petitioner's Petition for Writ of Mandamus, which the Court has construed as a Petition for Writ of Habeas Corpus, is TRANSFERRED forthwith to the United States District Court for the Eastern District of Pennsylvania.

The Report and Recommendation [Doc. No. 5] of Magistrate Judge Baxter, filed on October 14, 2010, is adopted as the opinion of the Court. The clerk is directed to mark the case closed.

s/ Sean J. McLaughlin
United States District Judge

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