

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

RONALD DANDAR,)	
)	
Petitioner,)	
v.)	Case No. 1:11-cv-112-SJM-SPB
)	
DISTRICT ATTORNEY, <i>et al.</i> ,)	

MEMORANDUM ORDER

This petition for writ of habeas corpus was received by the Clerk of Court on May 19, 2011 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.

On June 21, 2011, this Court entered a Memorandum Order [4] which adopted the Magistrate Judge’s Report and Recommendation [2] and summarily dismissed the instant habeas corpus petition for lack of subject matter jurisdiction. The dismissal was premised on the grounds that the instant case represents a successive habeas petition as to which Petitioner has not obtained the mandatory authorization from the Third Circuit Court of Appeals, as set forth in 28 U.S.C. §2244(b). A certificate of appealability was denied inasmuch as the Court found that reasonable jurists would not find debatable this Court’s lack of jurisdiction over the matter.

This Court subsequently entered a Text Order on June 30, 2011 overruling Petitioner’s belated objections to the Report and Recommendation. Petitioner appealed this ruling on July 13, 2011 [9], and that appeal is currently pending before the United States Court of Appeals for the Third Circuit at Case Number 11-2928 [11].

On July 14, 2011, this Court entered a Memorandum Order [10] denying, among other things, Petitioner's motion seeking authorization to file a second or successive petition [8], as the requisite authorization must come from our circuit court of appeals, not this Court. Petitioner subsequently filed a document [14] which is largely unintelligible, but which has been docketed as a motion for reconsideration of my July 14, 2011 Memorandum Order. To the extent Petitioner is indeed seeking reconsideration of my July 14, 2011 ruling, the request will be denied inasmuch as Petitioner has demonstrated no basis justifying reconsideration. Furthermore, to the extent Petitioner is seeking leave, in this motion, to proceed with his appeal to the Third Circuit *in forma pauperis*, his request is moot because the Magistrate Judge previously granted it in a Text Order dated July 25, 2011. Accordingly, the following order is entered,

AND NOW, *to wit*, this 2nd Day of August, 2011, upon consideration of Petitioner's Motion for Reconsideration [14], IT IS ORDERED that said motion be, and hereby is, DENIED. IT IS FURTHER ORDERED that Petitioner's request for leave to proceed *in forma pauperis* is DENIED as moot.

s/ Sean J. McLaughlin

SEAN J. McLAUGHLIN
United States District Judge

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U.S. Magistrate Judge Susan Paradise Baxter