

**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.

The Magistrate Judge's Report and Recommendation, filed on June 9, 2011 [2], recommends that the petition for writ of habeas corpus be summarily dismissed and that a certificate of appealability also be denied inasmuch as 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). Petitioner's objections [3] were filed on June 20, 2011. After de novo review of the petition and documents in the case, together with the Report and Recommendation and Petitioner's objections thereto, the following order is entered:

AND NOW, this 21<sup>st</sup> Day of June, 2011;

IT IS ORDERED that the instant Petition for Writ of Habeas Corpus be, and hereby is DISMISSED for lack of jurisdiction. Inasmuch as jurists of reason would not find it debatable whether the petition is jurisdictionally barred by virtue of Petitioner's failure to obtain the requisite authorization pursuant to 28 U.S.C. § 2244(b), IT IS FURTHER ORDERED that no certificate of appealability shall issue.

The Report and Recommendation of Magistrate Judge Baxter dated June 9, 2011 [2] is adopted as the opinion of the Court.

s/ Sean J. McLaughlin

SEAN J. McLAUGHLIN  
United States District Judge

Cm: Ronald Dandar  
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U.S. Magistrate Judge Susan Paradise Baxter