

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

CLEVELAND HOWARD,)	
Petitioner,)	Civil Action No. 12-37 Erie
)	
v.)	District Judge Sean J. McLaughlin
)	Magistrate Judge Susan Paradise Baxter
ARCHIE B. LONGLEY,)	
Respondent.)	

MEMORANDUM ORDER

SEAN J. McLAUGHLIN, District Judge.

This habeas action was filed by Cleveland Howard pursuant to 28 U.S.C. § 2241. Howard is a federal prisoner currently confined at FCI-McKean, located in Bradford, Pennsylvania. He contended that the Bureau of Prisons erred in computing his federal sentence.

This case was referred to United States Magistrate Judge Susan Paradise Baxter for a report and recommendation in accordance with 28 U.S.C. § 636(b)(1) and Local Rule 72. On February 4, 2013, she issued a Report and Recommendation ("R&R") [ECF No. 15], in which she recommended that the petition be denied. Howard's Objections to the R&R were due on or before February 21, 2013 [see the docket entry for ECF No. 15], and he filed them before that date [see ECF No. 16]. On March 22, 2013, the Court issued a Memorandum Order adopting the R&R as the opinion of the Court, denying the petition, and closing this case. [ECF No. 17].

Now pending before the Court is Howard's motion for reconsideration [ECF No. 18], in which he expresses concern that we may have thought that his Objections were untimely and, as a result, did not consider them. He requests that if that occurred that we reconsider our March 22, 2013, Memorandum Order.

Howard's motion is denied because his Objections were timely filed and we considered them before issuing the final judgment. The March 22, 2013, Memorandum Order makes that clear:

Petitioner filed objections on February 20, 2013. [ECF No. 16]. After de novo review of the documents in the case, together with the Report and Recommendation *and objections thereto*, the following order is entered:

AND NOW, this 22nd day of March, 2013;

IT IS HEREBY ORDERED that the Petitioner's Petition for Writ of Habeas Corpus is DENIED.

The Report and Recommendation [ECF No. 15] of Magistrate Judge Baxter, filed on February 4, 2013, is adopted as the opinion of the Court.

The Clerk is directed to mark the case closed.

[ECF No. 17 at 1 (emphasis added)].

Accordingly, this **29th** day of **April, 2013**, it is hereby **ORDERED** that Howard's motion for reconsideration [ECF No. 18] is **DENIED**.

s/ Sean J. McLaughlin
United States District Court Judge
Western District of Pennsylvania