

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

MANUEL PENA-SANCHEZ,)	
)	
Petitioner,)	
)	Civil Action No. 12-195 Erie
v.)	
)	
BOBBY L. MEEKS,)	
)	
Respondent.)	

MEMORANDUM ORDER

This habeas corpus action was received by the Clerk of Court on August 22, 2012 and 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 [ECF No. 17], filed on December 26, 2012 recommended that the action be dismissed as moot. Petitioner was allowed fourteen (14) days from the date of service to file objections. Service was made on Petitioner and no objections were filed. After de novo review of the documents in the case, together with the Report and Recommendation, I agree with the Magistrate Judge's conclusion that the Petition is moot.¹

AND NOW, this 24th day of January, 2013;

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus is DISMISSED as moot.

¹ At page 3 of the Report and Recommendation, the Magistrate Judge states:

... As set forth above, as a result of its recent audit, the BOP has recalculated Petitioner's federal sentence so that he is **not** receiving credit for all of the time he spent in ICE custody from January 21, 2011, through October 17, 2011. ...

[ECF No. 17] p. 3 (emphasis added). It is apparent that the word "not" was a typographical error and that the word "now" should have been inserted in its place.

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