

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

JOSEPH SCOTT,	)	
	)	
Petitioner,	)	Case No. 1:12-cv-254-SJM-SPB
	)	
v.	)	
	)	
SUPT. SUARES, <i>et al.</i> ,	)	
	)	
Respondents.	)	

**MEMORANDUM ORDER**

The instant petition for writ of habeas corpus was received by the Clerk of Court on July 3, 2012 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 Report and Recommendation, filed on June 7, 2013 [16], recommends that the instant habeas petition be denied on the grounds of procedural default and that a certificate of appealability be denied. The parties were allowed fourteen (14) days from the date of service in which to file objections. Service was made on Respondents and on Petitioner by certified mail at SCI-Forest, where he is incarcerated. No objections to the Report and Recommendation have been filed to date.

After de novo review of the petition and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 1st Day of July, 2013;

IT IS ORDERED that the instant petition for writ of habeas corpus shall be, and hereby is, DENIED on grounds of procedural default. Inasmuch as reasonable jurists would not find it debatable whether the Petitioner's claims have been procedurally defaulted, IT IS FURTHER ORDERED that no certificate of appealability shall issue.

The Report and Recommendation of Magistrate Judge Baxter, filed on June 7, 2013 [16], is adopted as the opinion of the Court.

s/ Sean J. McLaughlin

SEAN J. McLAUGHLIN  
Chief United States District Judge

Cm: All parties of record.

U.S. Magistrate Judge Susan Paradise Baxter