

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

JERMAINE MCCLAIN,)	
)	
Petitioner,)	
)	
V.)	CIVIL ACTION NO. 17-91 ERIE
)	
WARDEN FCI MCKEAN,)	HON. NORA BARRY FISCHER
)	
Respondent,)	
)	

ORDER OF COURT

AND NOW, this 29th day of August, 2017, after petitioner Jermaine McClain filed a petition for writ of habeas corpus in the above-captioned matter, and after a Report and Recommendation was filed by United States Magistrate Judge Susan Paradise Baxter giving the parties until August 18, 2017, to file written objections thereto, and petitioner having filed no objections, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is ADOPTED as the opinion of this Court,

IT IS HEREBY ORDERED that the petition for writ of habeas corpus is DENIED, the petition for writ of habeas corpus is SUMMARILY DENIED, and a Certificate of Appealability is DENIED. The Clerk of Court shall mark this CASE CLOSED.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if any party wishes to appeal from this Order a notice of appeal, as provided in Fed. R. App. P. 3, must be filed with the Clerk of Court, United States District Court, at 700 Grant Street, Room 3110, Pittsburgh, PA 15219, within thirty (30) days.

s/Nora Barry Fischer
Nora Barry Fischer
United States District Judge

cc: Honorable Susan Paradise Baxter
United States Magistrate Judge

Jermaine McClain
MCKEAN
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