

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

WILLIAM M. DANIELS, JR.,	)	
	)	Civil Action No. 06 – 741
Petitioner,	)	
	)	District Judge David S. Cercone
v.	)	Magistrate Judge Lisa Pupo Lenihan
	)	
HARRY E. WILSON, <i>et al.</i> ,	)	
	)	
Respondents.	)	
	)	

**MEMORANDUM ORDER**

Pending before the Court is a Motion for Relief from Judgment filed by Petitioner pursuant to Federal Rule of Civil Procedure 60(b)(2), (3) and/or (6). (ECF No. 57.) On April 26, 2022, the Magistrate Judge issued a Report and Recommendation (“R&R”) wherein she recommended that Petitioner’s Motion be dismissed for lack of jurisdiction as an unauthorized second or successive petition. (ECF No. 58.) Petitioner filed timely Objections to the R&R on May 12, 2022. (ECF No. 60.)

Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court must make a *de novo* determination of those portions of the R&R to which objections were made. The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The Court may also recommit the matter to the magistrate judge with instructions.

After consideration of the R&R as well as *de novo* review of Petitioner’s Objections thereto, the Court finds that the Objections do not undermine the Magistrate Judge’s recommendation. Accordingly, the following Order is now entered.

**AND NOW** this 30th day of June, 2022,

**IT IS HEREBY ORDERED** that Petitioner's Objections (ECF No. 60) are overruled and the R&R dated April 26, 2022 (ECF No. 58) is adopted as the Opinion of the Court.

**IT IS FURTHER ORDERED** that Petitioner's Motion for Relief from Judgment filed pursuant to Federal Rule of Civil Procedure 60(b)(2), (3) and/or (6) (ECF No. 57) is **DISMISSED** for lack of jurisdiction as an unauthorized second or successive petition for writ of habeas corpus.

**AND IT IS FURTHER ORDERED** that a certificate of appealability is **DENIED**.

S/David Stewart Cercone  
David Stewart Cercone  
United States District Judge

Cc: William M. Daniels, Jr.  
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