

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

THOMAS DAVIS on behalf of the person)
of Thomas Davis, Petitioner,)
Petitioner)

vs.

) Civil Action No. 08-1724

) Judge Gary L. Lancaster/

JEFFREY A. BEARD, Secretary of the)
Pennsylvania Department of Corrections,)
Respondent)

) Magistrate Judge Amy Reynolds Hay

ORDER

AND NOW, this 24th day of Feb, 2009, after the Petitioner,

Thomas Davis, filed an action in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge giving the Petitioner until February 9, 2008 to file written objections thereto, and Petitioner having filed objections to the report and recommendation on January 27, 2009, which are without merit, 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 habeas petition, ostensibly filed pursuant to 28 U.S.C. § 2241, is dismissed.

IT IS FURTHER ORDERED, to the extent one is needed, a certificate of appealability is denied.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the Petitioner desires to appeal from this Order he must do so within

thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.

A handwritten signature in black ink, appearing to read "G L Lancaster", written over a horizontal line.

GARY L. LANCASTER
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

Thomas Davis
BZ-9982
SRCF Mercer
801 Butler Pike
Mercer, PA 16137