

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

DONALD LOUDER,	)	
	)	
Petitioner	)	
	)	
vs.	)	Civil Action No. 09-1124
	)	Judge Terrence F. McVerry/
Sgt. COLEMAN, and THE DISTRICT	)	Chief Magistrate Judg Amy Reynolds Hay
ATTORNEY F THE COUNTY OF ALLEGHENY,	)	
and THE ATTORNEY GENERAL OF	)	
PENNSYLVANIA,	)	
	)	
Respondents	)	
	)	

**ORDER**

AND NOW, this 10th day of December, 2009, after the Petitioner, Donald Louder, filed an action in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties until November 2, 2009, to file written objections thereto, and no objections having been filed, 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 Section 2254 petition for writ of habeas corpus is dismissed before being served because it is second or successive and Petitioner has not shown that he has obtained permission from the Court of Appeals to file it.

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.

BY THE COURT:

s/Terrence F. McVerry  
United States District Judge

cc: Honorable Amy Reynolds Hay  
United States Magistrate Judge

Donald Louder  
CT-7996  
SCI Fayette  
Box 9999  
Labelle, PA 15456

All Counsel of Record by electronic filing