

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

| | | |
|--|---|-----------------------------------|
| RONALD SEARLES, |) | |
| |) | Civil Action No. 10 - 254 |
| Petitioner, |) | |
| |) | District Judge Nora Barry Fischer |
| v. |) | |
| |) | |
| COMMONWEALTH OF PENNSYLVANIA, |) | |
| MICHAEL HARLOW, Superintendent of SCI- |) | |
| Mercer, THE ATTORNEY GENERAL OF THE |) | |
| STATE OF PENNSYLVANIA, THE DISTRICT |) | |
| ATTORNEY FOR THE COUNTY OF |) | |
| ALLEGHENY, |) | |
| |) | |
| Respondents. |) | |

MEMORANDUM ORDER

On February 23, 2010, the above captioned case was initiated by the filing of a Petition for Writ of Habeas Corpus (ECF No. 1) and was referred to a united states magistrate judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The magistrate judge filed a Report and Recommendation on October 25, 2010 (ECF No. 19) recommending that the Petition for Writ of Habeas Corpus be denied and that a certificate of appealability be denied. On November 4, 2010, Petitioner filed Objections to the Report and Recommendation (ECF No. 20). Petitioner’s objections do not undermine the recommendation of the magistrate judge.

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

AND NOW, this 15th day of November, 2010;

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus (ECF No. 1) is **DENIED**.

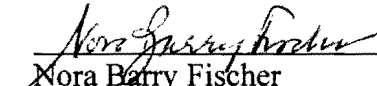
IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 19) is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:



Nora Barry Fischer
United States District Judge

cc: Ronald Searles
GF-7136
SCI-Mercer
801 Butler Pike
Mercer, PA 16137