

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

ERIC X. RAMBERT,)	2:12cv913
)	Electronic Filing
Petitioner,)	
)	Judge David Stewart Cercone
v.)	Chief Magistrate Judge Lenihan
)	
DAVID A. VARANO, <i>et al.</i> ,)	
)	
Respondents.)	

MEMORADUM ORDER

Eric X. Rambert (“Petitioner”) initiated this action by filing a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. (ECF No. 1.) This case was referred to Chief Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the Local Rules of Court for Magistrate Judges.

Magistrate Judge Lenihan filed a Report and Recommendation on December 17, 2012, recommending that the habeas petition be dismissed as a second or successive petition and that a certificate of appealability be denied. The parties were served with the Report and Recommendation and informed that they had until January 3, 2013, to file written objections. Petitioner filed objections on January 3, 2013; however, his objections do not controvert the recommendation made in the report.

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 ^{9th} day of January, 2013;

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus (ECF No. 1) is **DISMISSED** as a second or successive petition.

IT IS FURTHER ORDERED that a Certificate of Appealability is **DENIED**.

IT IS FURTHERED ORDERED that the Report and Recommendation (ECF No. 13) dated December 17, 2012, is adopted as the opinion of the Court.

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

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



David Stewart Cercone
United States District Judge

cc: Eric X. Rambert
AM-9223
SCI Coal Township
1 Kelley Drive
Coal Township, PA 17866

(Via First Class Mail)

Ronald M. Wabby, Jr., Esquire

(Via ECF Electronic Mail)