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

FRED JAMES ALLEN, Petitioner,	)	
v.	)	Civil Action No. 12-1000
JEFFREY BEARD, Respondent.	)	

O R D E R

AND NOW, this 11th day of October 2012, after a petition for a writ of habeas corpus was filed by the petitioner, Fred James Allen, and after a motion to dismiss the petition and supplements thereto were submitted by the respondent, Jeffrey Beard, and after a Report and Recommendation of the United States Magistrate Judge was issued, and the parties were accorded an opportunity to file written objections to it, which were due by October 9, 2012, and no objections having been filed, and after independent review of the petition and the record, and upon consideration of the Report and Recommendation of the Magistrate Judge, which is adopted and incorporated as the opinion of this Court,

IT IS ORDERED that the respondent's motion to dismiss the petition of Fred James Allen for a writ of habeas corpus (ECF 11) is granted, and because reasonable jurists could not conclude that a basis for appeal exists, that a certificate of appealability is denied.

IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the F.R.App.P., 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 by Rule 3 F.R.App.P.

United States District Judge