

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

KEITH HOWARD,	)	
	)	14-cv-1234
Petitioner,	)	
	)	<b>ELECTRONICALLY FILED</b>
v.	)	
	)	
JOHN KERESTES and THE ATTORNEY	)	
GENERAL OF THE STATE OF	)	
PENNSYLVANIA,	)	
	)	
Respondents.	)	

**MEMORANDUM ORDER ADOPTING MAGISTRATE JUDGE’S  
REPORT AND RECOMMENDATION (DOC. NO. 11)**

Pending before the Court is Petitioner Keith Howard’s Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus. (Doc. No. 3). The matter was referred to United States Magistrate Judge Cynthia Reed Eddy for report and recommendation 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 (Doc. No. 11) on May 26, 2016, recommending that the Petition be dismissed with prejudice as untimely and that a certificate of appealability be denied. Petitioner was served with the Report and Recommendation at his listed address of record and the parties were advised that they had fourteen days after service of this Report and Recommendation to file written objections. To date, no objections have been filed nor have any requests for an extension of time to file objections been filed.

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

**AND NOW**, this 20<sup>th</sup> day of June, 2016:

**IT IS HEREBY ORDERED** that the Petition for Writ of Habeas Corpus filed by Keith Howard is **DISMISSED WITH PREJUDICE** as untimely and that a Certificate of Appealability is **DENIED**.

**IT IS FURTHER ORDERED** that the Report and Recommendation (Doc. No. 11) dated May 26, 2016, 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, Petitioner has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

**SO ORDERED** this 20<sup>th</sup> day of June, 2016.

s/Arthur J. Schwab  
Arthur J. Schwab  
United States District Judge

cc: KEITH HOWARD  
GA-9335  
SCI Fayette  
PO Box 9999  
LaBelle, PA 15450-0999  
(via U.S. First Class Mail)

Rusheen R. Pettit  
Office of the District Attorney  
(via ECF electronic notification)