

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

LAFAYETTE M. MORELAND,

Plaintiff,

14cv1386

**ELECTRONICALLY FILED**

v.

COMMONWEALTH OF PENNSYLVANIA,

Defendant.

**MEMORANDUM OPINION**

On October 25, 2014, *pro se* Plaintiff filed a Motion asking this Court to Reconsider its Order (doc. no. 4) adopting the Magistrate Judge's October 31, 2014, Report and Recommendation ("R&R"). Doc. no. 2. The Magistrate Judge's R&R recommended that the Plaintiff's Petition (doc. no. 1), filed pursuant to 28 U.S.C. § 2254, be dismissed *sua sponte* for lack of jurisdiction. The docket in this case clearly indicates that the Magistrate Judge's R&R was mailed to Plaintiff on October 31, 2014 at his listed address of record, which is a federal correctional facility in Cumberland, Maryland. See docket.

The Plaintiff had until November 17, 2014, to file his Objections to the R&R. He did not do so by the November 17, 2014 deadline. Therefore, on November 18, 2014, this Court entered an Order adopting the Magistrate Judge's R&R. Doc. no. 4.

Now, Plaintiff argues that he mailed his Objections on November 14, 2011, and hypothesizes that the due to the delivery delay experienced through the use of the U.S. Mail system, his Objections did not reach the Court until some date post the filing deadline. See doc. no. 5. However, contrary to Plaintiff's assertions, there no Objections are noted on the docket.

See docket. Accordingly, there is nothing for this Court to reconsider. For this reason, the Motion for Reconsideration shall be denied.

AND NOW, this 26<sup>th</sup> day of November, 2014, IT IS HEREBY ORDERED that the Motion for Reconsideration of the Court's Order dated November 18, 2014 (Motion filed at doc. no. 5), is **DENIED**.

SO ORDERED, this 26<sup>th</sup> day of November, 2014.

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

cc: LAFAYETTE M. MORELAND  
09660-068  
Federal Correctional Inst.  
Cumberland, MD 21501