

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

IN RE

COMMONWEALTH OF)	
PENNSYLVANIA <i>EX REL</i> ,)	
)	
CARMELO GONZALEZ,)	
)	
Petitioner,)	Civil Action No. 15-336
)	
v.)	Judge Cathy Bissoon
)	Magistrate Judge Maureen P. Kelly
BRIAN COLEMAN,)	
)	
Respondent.)	

MEMORANDUM ORDER

This case was referred to United States Magistrate Judge Maureen P. Kelly for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Local Rule of Civil Procedure 72.

On February 4, 2016, the Magistrate Judge issued a Report (Doc. 4) recommending that the petition be dismissed pre-service because it challenges Petitioner's conditions of confinement and a certificate of appealability should be denied. Service of the Report and Recommendation was made, and no objections have been filed.

After a review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

The Petition of Carmelo Gonzalez for a writ of habeas corpus (**Doc. 1**) is **DISMISSED** and a certificate of appealability is **DENIED**. The Report and Recommendation of the Magistrate Judge, dated February 4, 2016, hereby is adopted as the Opinion of the District Court.

IT IS SO ORDERED.

March 2, 2016

s\Cathy Bissoon
Cathy Bissoon
United States District Judge

cc (via ECF email notification):

All counsel of record

cc (via First-Class U.S. Mail):

Carmelo Gonzalez
JF-2059
SCI Fayette
Box 9999
LaBelle, PA 15450-0999

Carmelo Gonzalez
JF-2059
175 Progress Drive (inmates)
Waynesburg, PA 15370