

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

SHURON PORTER,)	
)	Civil Action No. 17 – 25
Petitioner,)	
)	Judge Arthur J. Schwab
v.)	Magistrate Judge Lisa Pup Lenihan
)	
DISTRICT ATTORNEY)	
ALLEGHENY COUNTY, THOMAS)	
F. MERRICK and THE ATTORNEY)	
GENERAL OF THE STATE OF)	
PENNSYLVANIA,)	
)	
Respondents.)	

MEMORANDUM ORDER

Petitioner Shuron Porter (“Petitioner”) has filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, seeking relief from his October 15, 2001 judgment of sentence of twenty-one (21) to fifty (50) years of imprisonment for two counts each of Aggravated Assault, Recklessly Endangering Another Person, and Firearms Not to Be Carried Without a License. (ECF No. 4.) In accordance with the Magistrate Judge’s Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules of Court, all pretrial matters were referred to United States Magistrate Judge Lisa Pupo Lenihan.

On March 21, 2017, Respondents filed a Motion to Dismiss the Petition for Writ of Habeas Corpus arguing that it was untimely filed pursuant to the filing provision requirements set forth in the Antiterrorism and Effective Death Penalty Act (AEDPA). (ECF No. 9.) Petitioner filed a response in opposition to the Motion on April 25, 2017. (ECF No. 14.)

The Magistrate Judge issued a Report and Recommendation on May 31, 2017, recommending that the Motion to Dismiss be granted and that the Petition be dismissed as untimely. (ECF No. 15.) Petitioner was informed that he had until June 19, 2017 to file written objections. As of today, no objections have been filed.

Upon an independent review of the record, and consideration of the Magistrate Judge's Report and Recommendation, the following Order is entered:

AND NOW, this 22nd day of June, 2017;

IT IS HEREBY ORDERED that the Report and Recommendation of the Magistrate Judge (ECF No. 15) is adopted as the opinion of the Court.

IT IS FURTHER ORDERED that the Motion to Dismiss the Petition for Writ of Habeas Corpus (ECF No. 9) is granted.

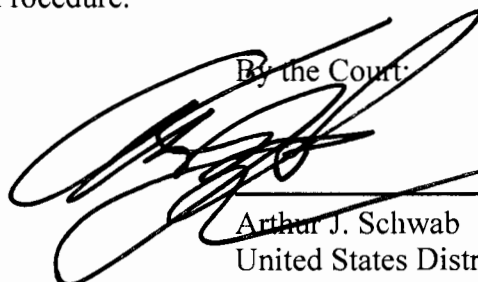
IT IS FURTHER ORDERED that the Petition for Writ of Habeas Corpus (ECF No. 4) is dismissed as untimely.

IT IS FURTHER ORDERED a certificate of appealability is denied.

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.

By the Court:



Arthur J. Schwab
United States District Judge

cc: Shuron Porter
EE-8040

SCI Huntingdon
1100 Pike Street
Huntingdon, PA 16654-1112

Counsel for Respondent
(Via CM/ECF electronic mail)