

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

DURAND ALEXANDER,)	
)	
Petitioner,)	Civil Action No. 17 – 204
)	
v.)	Chief District Judge Joy Flowers Conti
)	Magistrate Judge Lisa Pup Lenihan
)	
COMMONWEALTH OF)	
PENNSYLVANIA and THE)	
ATTORNEY GENERAL OF THE)	
STATE OF PENNSYLVANIA,)	
)	
Respondents.)	

MEMORANDUM OPINION

Before the Court is a Petition for Writ of Habeas Corpus filed by Petitioner Durand Alexander (“Petitioner”) pursuant to 28 U.S.C. § 2254, seeking relief from his July 13, 2010 judgment of sentence in the Court of Common Pleas of Allegheny County. His Petition was docketed on February 14, 2017, and 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 a United States Magistrate Judge.

On March 14, 2017, respondents filed a Motion to Dismiss the Petition for Writ of Habeas Corpus, and on May 18, 2017, the magistrate judge issued a Report and Recommendation recommending that the motion be granted and that the petition be dismissed as untimely filed. Petitioner was served with the Report and Recommendation and told that the deadline to file written objections was June 5, 2017. However, the Report and Recommendation was returned to the court on June 9, 2017 with a label stating “Inmate Temporarily Absent.” A

search on the Pennsylvania Department of Corrections Inmate Locator revealed that Petitioner had been moved to a different correctional facility, and on June 16, 2017, the court remailed a copy of the Report and Recommendation to him at his new address.¹ As of today, no objections have been filed. Therefore, upon an independent review of the record, and consideration of the magistrate judge's Report and Recommendation, the Report and Recommendation will be adopted, the motion to dismiss will be granted and a certificate of appealability will be denied. An appropriate order will be entered.

Dated: July 26, 2017

By the Court:

/s/ Joy Flowers Conti
Joy Flowers Conti
Chief United States District Judge

cc: Durand Alexander
JQ-4234
SCI Mahanoy
301 Morea Road
Frackville, PA 17932

Counsel of record

¹ Petitioner has still not provided the Court with an updated address.