

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

JAMES KENNETH MOFFITT,)	
Petitioner,)	
)	
vs.)	Civil Action No. 17-276
)	
COMMONWEALTH OF PENNSYLVANIA,)	Judge Cathy Bissoon
et al.,)	
Respondents.)	

ORDER

AND NOW, this 29th day of March, 2017, after the petitioner, James Kenneth Moffitt, filed a petition for a writ of habeas corpus, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties a period of time after being served with a copy to file written objections thereto, and no objections having been filed, and upon independent review of the petition and the record and upon consideration of the Magistrate Judge's Report and Recommendation (ECF No. 5), which is adopted as the opinion of this Court,

IT IS ORDERED that the petition for a writ of habeas corpus filed by petitioner (ECF No. 1) is dismissed for failure to exhaust state court remedies and, because reasonable jurists could not conclude that a basis for appeal exists, a certificate of appealability is denied.

IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure if the petitioner desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.

March 29, 2017

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):

James Kenneth Moffitt
179416
Allegheny County Jail
950 Second Avenue
Pittsburgh, PA 15219