

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

GEORGE R. DURHAM, )  
                          )  
Petitioner,           ) Civil Action No. 17-662  
                          )  
v.                     ) Judge Cathy Bissoon  
                          )  
                          ) Magistrate Judge Robert C. Mitchell  
THE ATTORNEY GENERAL OF )  
THE STATE OF PENNSYLVANIA, *et al.*, )  
                          )  
                          )  
Respondents.          )

**MEMORANDUM ORDER**

This case has been referred to United States Magistrate Judge Robert C. Mitchell for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636 and Local Rule of Civil Procedure 72.

On September 28, 2017, the Magistrate Judge issued a Report (Doc. 10) recommending that Petitioner George R. Durham's Motion for Relief from Judgment under Federal Rule of Civil Procedure 60(b) (Doc. 9) be dismissed as being without a jurisdictional basis. The Report and Recommendation was served on the parties, and Petitioner has filed Objections. See Doc. 11.

After a *de novo* review of the pleadings and documents in the case, the procedural history of Petitioner's related actions, the Report and Recommendation, and the Objections thereto, the Court finds that it lacks jurisdiction to review the decision of the United States Court of Appeals for the Third Circuit denying Petitioner's application to file a second *habeas corpus* petition. Accordingly, the following Order is entered:

Petitioner's Rule 60(b) Motion (**Doc. 9**) for relief from a judgment of the Court of Appeals for the Third Circuit denying Petitioner's application to file a second *habeas corpus* petition is **DISMISSED WITH PREJUDICE** as lacking a jurisdictional basis. The Magistrate Judge's Report and Recommendation is hereby adopted as the Opinion of the District Court.

IT IS SO ORDERED.

November 16, 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):

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