

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

MICHAEL JASON STEVICK,

Petitioner,

v.

DISTRICT ATTORNEY OF ALLEGHENY
COUNTY, *et al,*

Respondents.

Civil Action No. 2:17-cv-949

Hon. William S. Stickman IV
Hon. Patricia L. Dodge

ORDER OF COURT

Michael Jason Stevick (“Petitioner”) filed a counseled Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 on July 19, 2017 (ECF No. 1). Respondents filed an Answer on August 24, 2017 (ECF No. 9). Petitioner then filed briefs in support of his claims (ECF Nos. 20, 25). A Report and Recommendation was issued by United States Magistrate Judge Patricia L. Dodge on November 27, 2010, recommending that the Court deny the Petition as well as deny a certificate of appealability on all claims. (ECF No. 28). Petitioner was given until December 11, 2019 to file Objections and did so on February 11, 2020 after receiving two extensions of time.

After its independent *de novo* review of the record and consideration of the pleadings of the parties, the Court hereby ADOPTS Magistrate Judge Dodge’s Report and Recommendation as its Opinion. The Court overrules Petitioner’s Objections.

AND NOW, this 18th day of February 2020, IT IS HEREBY ORDERED that the Petition for Habeas Corpus (ECF No. 1) is DISMISSED with prejudice without an evidentiary

hearing. A certificate of appealability is DENIED as jurists of reason would not find it debatable that each of Petitioner's claims lacks merit.¹

IT IS FURTHER ORDERED that the Clerk of Court shall 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:



WILLIAM S. STICKMAN IV
UNITED STATES DISTRICT JUDGE

¹ A certificate of appealability may issue only upon “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). A petitioner must “demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *Lambert v. Blackwell*, 387 F.3d 210, 230 (3d Cir. 2004). The Court agrees with Magistrate Judge Dodge that there is no probable cause to issue such a certificate in this action.