

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

VERNON WILLIAMS JR.,)
Petitioner,)
)
vs.) Civil Action No. 17-1660
)
BARRY SMITH, et al.,)
Respondents.)

O R D E R

AND NOW, this 12th day of February, 2018, after the petitioner, Vernon Williams, Jr., filed a petition for a writ of habeas corpus and a Motion to Not Deem the Instant 2254(a) Habeas Application as Second or Successive, 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 upon consideration of the objections filed by the petitioner and the brief in support thereof, and upon independent review of the petition and the motion and upon consideration of the Magistrate Judge's Report and Recommendation ([ECF No. 6](#)), 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. 4](#)) is dismissed as a second or successive petition and, because reasonable jurists could not conclude that a basis for appeal exists, a certificate of appealability is denied.

IT IS FURTHER ORDERED that the Motion to Not Deem the Instant 2254(a) Habeas Application as Second or Successive filed by petitioner ([ECF No. 5](#)) is dismissed.

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.

s/ Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: Vernon Williams, Jr.
FP-8873
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