

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

RANDY P. REINERT,
Petitioner,

vs.

BARRY R. SMITH, SUPERINTENDENT
OF SCI HOUTZDALE; JOHN WETZEL,
SECRETARY FOR PA DEPT OF
CORRECTIONS; LEO DUNN,
CHAIRMAN, PA BOARD OF
PROBATION AND PAROLE; AND JOSH
SHAPIRO, PA ATTORNEY GENERAL,

Respondents.

3:19-CV-00204

MEMORANDUM OPINION

Pending before Court is the Petition for Writ of Habeas Corpus (ECF No. 1) filed by
Petitioner Randy P. Reinert. The matter was referred to Chief United States Magistrate Judge
Cynthia Reed Eddy for report and recommendation in accordance with the Magistrate Judges Act,
28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The magistrate judge filed a Report and Recommendation (ECF No. 16) on August 17,
2020, recommending that the Petition for Writ of Habeas Corpus be denied and that no certificate
of appealability be issued. (ECF No. 16). After being granted an extension of time, Petitioner filed
objections to the Report and Recommendation. (ECF No. 20). The matter is now ripe for
disposition. For the reasons set forth below, the Report and Recommendation will be adopted and
the petition will be denied.

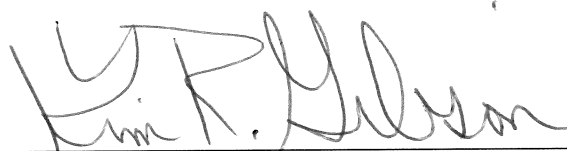
Where, as here, objections have been filed, the Court is required to make a de novo
determination about those portions of the R&R to which objections were made. See 28 U.S.C. §

636(b)(1); Fed.R.Civ.P. 72(b). The district court may accept, reject, or modify the recommended disposition, as well as receive further evidence or return the matter to the magistrate judge with instructions.

The Court has reviewed the matter and concludes that the Report and Recommendation correctly analyzes the issues and makes a sound recommendation. Petitioner's objections do not undermine the recommendation of the magistrate judge. Accordingly, after *de novo* review of the Petition and documents in the case, together with the Report and Recommendation and Objections thereto, the Petition for Writ of Habeas Corpus will be denied.

Jurists of reason would not find it debatable that the petition should be denied. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Accordingly, a Certificate of Appealability will be denied. The denial of a certificate of appealability does not prevent Petitioner from appealing so long as he seeks, and obtains, a certificate of appealability from the court of appeals. *See* Federal Rule of Appellate Procedure 22(b)(1).

October 30, 2020



Kim R. Gibson
United States District Judge

cc: **RANDY P. REINERT**
JT 0482
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(via U.S. First Class Mail)

Timothy P. Keating
Pennsylvania Board of Probation and Parole
(via ECF electronic notification)

cc: **RANDY P REINERT**

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