



## **BRILEY v. HOLDER et al**

2015 | Cited 0 times | W.D. Pennsylvania | March 4, 2015

STATES COURT FOR OF PENNSYLVANIA BONANZA

HOLDER,

United

MEMORANDUM ORDER On 2014,

United

U.S.C.

2015

On 2015,

2015, See U.S. 2015,

2015. IN THE UNITED DISTRICT THE WESTERN DISTRICT JAY BRILEY,

Petitioner, vs. ERIC JR., Attorney General; and MARK A. KIRBY, Warden, Federal Correctional Institute, Loretto, Pennsy I vania,

Respondents.

Civil Action No.3: 14-cv-0193

States District Judge Kim R. Gibson

September 9, the above captioned case was initiated by the filing of a Petition for Writ of Habeas Corpus (ECF No. 1) and was referred to a States Magistrate Judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 § 636(b)(1), and the Local Rules of Court for Magistrate Judges.



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The magistrate judge filed a Report and Recommendation on February 9, (ECF No. 13), recommending that the Petition for Writ of Habeas Corpus be dismissed for lack of subject matter jurisdiction. February 23, Petitioner filed Objections to the Report and Recommendation (ECF No. 14). 1

Petitioner's objections do not undermine the recommendation of the magistrate judge.

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation, and the Objections thereto, the following order is entered:

The Objections were filed on February 23, as determined by the mailbox rule for prisoner filings. *Houston v. Lack*, 487 266 (1988). The Objections were signed on February 23, and Petitioner submitted a Notice of Filing which reflects that he placed his objections in the prison mail room on February 23, Accordingly, the Court concludes that the objections were filed on the date the objections were signed, the earliest date possible that they could have been delivered to prison officials for mailing.

1 NOW, 2015: IS ORDERED Petition DISMISSED

IS ORDERED ADOPTED

IS ORDERED CLOSED.

IS ORDERED Procedure, Petitioner (30)

Procedure.

BONANZA 48412-083 LORETTO

States

CORRECTIONAL INSTITUTION P.O. BOX 1000 LORETTO, PA 15940

U.S. S. States

AND this day of March, IT HEREBY that the for Writ of Habeas Corpus Is

for lack of subject matter jurisdiction. IT FURTHER that the Report and Recommendation (ECF No. 13) is



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as the Opinion of the Court. IT FURTHER that the Clerk of Court mark this case AND IT FURTHER that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate has thirty days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate

cc: JAY BRILEY

Kim R. Gibson United District Judge

FEDERAL Inmate Mail/Parcels

(via First Class Mail) Arnie Murphy United Attorneys Office (via ECF electronic notification)

