

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

ANTHONY B. DICKERSON           :  
  :  
  :                   CIVIL ACTION  
  
                                  v.                   :  
  :  
  :                   NO. 05-CV-1451  
  :  
DAVID DIGUGLIEMO, ET AL.    :

**MEMORANDUM & ORDER**

**Surrick, J**

**April 6 , 2005**

Presently before the Court is a pro se “Emergency, Constitutional Writ Of Habeas Corpus ad Subjiciendum et Recipiendum” filed by Anthony Brooks Dickerson on March 29, 2005 (Doc. No. 1). This is the third such pro se application that Petitioner has filed within the last thirteen and one-half months.<sup>1</sup>

On February 23, 2004, Petitioner filed a Petition For Writ Of Habeas Corpus pursuant to 28 U.S.C. 2254, under Civil Action No. 04-cv-752. A Report and Recommendation was prepared and filed by Magistrate Judge Arnold C. Rapaport on June 28, 2004, recommending dismissal of the Petition with prejudice. By Order dated August 4, 2005, we approved and adopted the Report and Recommendation and the Petition was dismissed. A certificate of appealability was denied. No appeal was filed by Petitioner.

On January 31, 2005, Petitioner filed an “Emergency Petition For Writ Of Habeas Corpus Under the Civil Right Act of 1871,” under Civil Action No. 05-cv-0415. On February 28, 2005,

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<sup>1</sup>Defendant’s Petitions are long, rambling and difficult to comprehend.

we entered an Order denying this Petition, citing the second and successive application provision of 28 U.S.C. §2244(b)(2).<sup>2</sup> Petitioner was advised that relief in the Third Circuit Court of Appeals might be available under 28 U.S.C. § 2244(b)(3)(A). On March 11, 2005, Petitioner filed a “Motion For Compassion And Reconsideration” of the February 28, 2005 Order. On the same day he filed a Notice of Appeal from the February 28<sup>th</sup> Order in the Third Circuit Court of Appeals. The “Motion For Compassion And Reconsideration” was denied by Order dated March 17, 2005.

On March 29, 2005, Petitioner filed the instant Petition. This Petition, like the last, must be dismissed under 28 U.S.C. §2244(b)(2). An appropriate Order follows.

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<sup>2</sup>Because of the nature of several of the allegations in the Petition, we suggested that perhaps a complaint pursuant to 42 U.S.C. §1983 might be more appropriate. Petitioner has advised the court that he is looking into that now.

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 DAVID DIGUGLIEMO, ET AL. :

**ORDER**

AND NOW, this 6<sup>th</sup> day of April, 2005, upon consideration of the pro se “Emergency, Constitutional Writ Of Habeas Corpus ad Subjiciendum et Recipiendum” (Doc. No. 1) filed by Anthony Brooks Dickerson, it is ORDERED that the application be and the same is hereby DENIED. The Clerk is directed to mark this matter “DISMISSED”.

BY THE COURT:

S:/R. Barclay Surrick, Judge