

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

BRIAN ROSS,	:	CIVIL ACTION
	:	
Petitioner,	:	NO. 05-2434
	:	
v.	:	
	:	
JAMES T. WYNDER, et al.,	:	
	:	
Respondent.	:	

MEMORANDUM

BUCKWALTER, S.J.

November 22, 2005

Petitioner has filed objections to the Report and Recommendation of Magistrate Judge Carol Sandra Moore Wells, in which he disagrees with both the fact of his conviction (stating that he was not present on the date of the crime with the co-conspirators), and the legal conclusion (stating in essence that the state court’s decision was an unreasonable application of clearly established federal law).

As Magistrate Judge Wells points out, Petitioner’s § 2254 asserts two claims alleging ineffective assistance of counsel on two grounds.

The Report and Recommendation correctly sets forth the standard of review. Thereafter, Magistrate Judge Wells carefully analyzed the claims in accordance with that standard and concluded that Petitioner is not entitled to relief.

This court agrees with that conclusion. An appropriate order follows.

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

BRIAN ROSS,	:	CIVIL ACTION
	:	
Petitioner,	:	
	:	NO. 05-2434
v.	:	
	:	
	:	
JAMES T. WYNDER, et al.,	:	
	:	
Respondent.	:	

ORDER

AND NOW, this 22nd day of November, 2005, upon consideration of the Report and Recommendation of Carol Sandra Moore Wells, United States Magistrate Judge, it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED.
2. The petition for a writ of habeas corpus is DENIED, without a hearing, for failure to show denial of a constitutional right; and
3. No certificate of appealability will issue since petitioner has failed to make a substantial showing of the denial of any constitutional right.

BY THE COURT:

RONALD L. BUCKWALTER, S.J.