

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

JOEL SANDLER : CIVIL ACTION
 :
 v. :
 :
 JAMES WYNDER, et al. : NO. 07-cv-03876-JF

MEMORANDUM AND ORDER

Fullam, Sr. J.

June 12, 2008

Petitioner, Joel Sandler, was convicted in 2003 on one count of solicitation to commit murder and four counts of criminal use of a communication facility. He is serving sentences aggregating 8 to 20 years for those crimes. The Superior Court of Pennsylvania affirmed the convictions and sentences, and the Pennsylvania Supreme Court denied the subsequent petition for allowance of appeal. Petitioner then filed a counseled petition under the Pennsylvania Post-Conviction Relief Act, but without success. The dismissal of the PCRA petition was upheld on appeal by the Pennsylvania Superior Court. Petitioner then filed the present petition for a writ of habeas corpus, alleging some eight violations of his constitutional rights. The magistrate judge to whom the case was referred has filed a detailed and comprehensive Report and Recommendation, to which petitioner has filed objections.

The principal thrust of the magistrate judge's Report is to the effect that most of petitioner's claims have been procedurally defaulted, but that, in any event, they are lacking

in merit. I respectfully disagree with the conclusion that petitioner's claims have been procedurally defaulted; I am inclined to believe that they have been fully exhausted in the state courts; but I entirely agree with the magistrate judge's conclusion that the claims lack merit.

All of petitioner's claims have been adequately addressed in the opinions of the trial court and of the Pennsylvania Superior Court, and I agree with all of their conclusions. The petition will be denied.

An Order follows.

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ORDER

AND NOW, this 12th day of June 2008, upon consideration of the Report and Recommendation of Magistrate Judge Timothy R. Rice, and petitioner's objections thereto, IT IS ORDERED:

1. The objections are OVERRULED.
2. The Recommendation of the United States Magistrate Judge is ADOPTED.
3. The petition of Joel Sandler for a writ of habeas corpus is DENIED. There is no probable cause for an appeal.

BY THE COURT:

/s/ John P. Fullam
John P. Fullam, Sr. J.