

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

DENNIS JUBILEE, : CIVIL ACTION
Petitioner, :
 :
v. :
 :
PENNSYLVANIA BOARD OF PROBATION :
AND PAROLE, et al., :
Respondents. : NO. 97-CV-3472

MEMORANDUM & ORDER

J.M. KELLY, J.

JANUARY , 1998

Presently before the Court is the Motion for Relief from Judgment and/or Amendment of Judgment of Petitioner Dennis Jubilee (Jubilee). Jubilee filed his petition for a writ of habeas corpus on May 19, 1997. The Court referred Jubilee's petition to Magistrate Judge Charles B. Smith for a Report and Recommendation on May 27, 1997. Judge Smith filed his Report and Recommendation on August 29, 1997 and, after review of Jubilee's Objections to the Report and Recommendation, I approved and adopted Judge Smith's Report and Recommendation, denying and dismissing Jubilee's petition for a writ of habeas corpus. On September 3, 1997, subsequent to Judge Smith filing his Report and Recommendation, Jubilee filed a Motion for Leave to Amend his petition. Upon becoming aware of Jubilee's Motion for Leave to Amend, I reviewed the proposed Amended Petition and determined that the issues addressed in the proposed Amended Petition had been sufficiently addressed in Judge Smith's Report and Recommendation. Accordingly, I dismissed Jubilee's Motion for

Leave to Amend and Amended Petition for a Writ of Habeas Corpus as Moot on October 2, 1997. Jubilee then filed the present motion, arguing that had the Court addressed the issues in his Amended petition, the outcome in this matter would have been different. As the Court previously reviewed Jubilee's Motion for Leave to Amend and Amended Petition for a Writ of Habeas Corpus sua sponte, I find the instant Motion to be without merit and accordingly it will be denied.