

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

ROBERT ALDERMAN : CIVIL ACTION
Petitioner, :
 :
v. :
 :
SUPERINTENDENT CHESNEY, et al :
Respondents. : No. 01-4713

MEMORANDUM ORDER

J. M. KELLY, J.

AUGUST , 2002

Presently before the Court are the following motions filed by Petitioner Robert Alderman: 1) Request for Documents by Indigent Petitioner as Provided by 28 U.S.C. § 2250 Concerning 28 U.S.C. § 2249; and 2) Motion Requesting Postponement of Disposition of Petitioner's Habeas Corpus Application. Petitioner filed his motions on June 25, 2002 in response to the Report and Recommendation ("Report") filed by Chief United States Magistrate Judge James R. Melinson. In his Report, dated May 20, 2002, Chief Magistrate Judge Melinson recommended that Alderman's pro se petition for a writ of habeas corpus be denied with prejudice. This Court adopted the Report on July 9, 2002, and denied Alderman's petition as untimely.

Alderman's motions are only relevant to the substance of his underlying habeas claims, as they do not address the timeliness of his petition. Motions that are relevant only to the substance of the underlying habeas claims are rendered moot when a prisoner is procedurally barred from properly filing his claims,

regardless of any merit that they may have. Lambert v. Frank, No. CIV. A. 99-4761, 2000 WL 1022977, at *2 (E.D. Pa. July 18, 2000). Thus, Alderman's motions are rendered moot since his habeas claim is time-barred and cannot be properly presented before this Court.

Additionally, this Court cannot consider Alderman's motions as properly filed objections to the Report, since the motions do not address the Report's finding that Alderman's petition was untimely. Accordingly, it is **ORDERED** that Petitioner's motions (Doc. No. 28) are **DENIED**.

BY THE COURT:

JAMES MCGIRR KELLY, J.