

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

MILTON SIMON WASHINGTON : CIVIL ACTION
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DONALD T. VAUGHN, et al. : NO. 04-02725-JF

MEMORANDUM AND ORDER

Fullam, Sr. J.

April 7, 2005

The magistrate judge to whom this habeas corpus case was referred has filed a Report recommending that the petition be denied because it was filed too late. The magistrate judge's Report is undoubtedly correct: under any view of the matter, this petition was filed several months after the deadline under the ADEPA, even if all assumptions are made in favor of the petitioner (his direct appeal from a 1988 murder conviction was eventually allowed, *nunc pro tunc*, was eventually ruled upon, and was followed by various PCRA attempts).

I have carefully considered the petitioner's lengthy and detailed objections to the magistrate judge's Report, and find that they lack merit. The petition must therefore be dismissed.

An Order follows.

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AND NOW, this 7th day of April 2005, upon consideration of the Report and Recommendation of Magistrate Judge Peter B. Scuderi, and petitioner's objections to that Report, IT IS HEREBY ORDERED:

1. The magistrate judge's Report is APPROVED and ADOPTED.
2. The petition is DISMISSED with prejudice.
3. There is no basis for issuing a certificate of appealability.

BY THE COURT:

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