

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

ERNEST POTTS : CIVIL ACTION  
 :  
 v. :  
 :  
 JAMES T. WYNDER, JR., et al. : NO. 05-00750-JF

MEMORANDUM AND ORDER

Fullam, Sr. J.

December 27, 2005

Petitioner, Ernest Potts, was convicted of first degree murder in 1981, and was sentenced in 1983 to life imprisonment. The lengthy progress of his case through the Pennsylvania court system was finally concluded on January 24, 2005. His petition for habeas corpus relief in this court was filed on February 17, 2005 - some 24 years after he was convicted. There is, however, no contention that his application is untimely; it should be decided on its merits.

The case was referred to Magistrate Judge Hart, who has filed a comprehensive Report recommending that the Petition be denied. Magistrate Judge Hart has addressed each of the claims asserted by petitioner, and his rejection of each claim is clearly correct.

Petitioner has filed lengthy objections to the Magistrate Judge's Report, but they merely express disagreement with Magistrate Judge Hart's conclusions. Having reviewed the matter *de novo*, I am satisfied that the Magistrate Judge's Report and Recommendation should be adopted.

An Order follows.

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ORDER

AND NOW, this 27th day of December 2005, IT IS ORDERED:

1. The Report and Recommendation of Magistrate Judge Hart is APPROVED and ADOPTED.

2. Petitioner's objections are OVERRULED.

3. The Petition for a Writ of Habeas Corpus is DENIED.

4. Petitioner has not made a substantial showing of the denial of any constitutional rights, and a certificate of appealability will therefore not be issued.

BY THE COURT:

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