

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 00-2108

DOUGLAS A. CIVIELLO,

v.

FREDERICK ROSEMEYER; ATTORNEY GENERAL OF
THE COMMONWEALTH OF PENNSYLVANIA; BLAIR
COUNTY DISTRICT ATTORNEY

Appeal from the United States District Court
for the Western District of Pennsylvania
(D.C. Civil Action No. 98-cv-00174j)
District Judge: Honorable D. Brooks Smith

Submitted Under Third Circuit LAR 34.1(a)
January 15, 2002

Before: ALITO and ROTH, Circuit Judges
SCHWARZER*, District Judge

(Memorandum Opinion filed February 22, 2002)

* The Honorable William W Schwarzer, Senior District Judge for the Northern
District of California, sitting by designation.

MEMORANDUM OPINION

ROTH, Circuit Judge

Appellant-Petitioner Douglas Civiello appeals the District Court's denial of his petition for habeas corpus. We have jurisdiction to consider this appeal pursuant to the certificate of appealability granted by the District Court. 28 U.S.C. 2253 (c)(1).

Both the parties and this court are familiar with the record in this case, and we will not include a discussion of the record here. Based on our review of the District Court's order and the Magistrate Judge's report and recommendation, we are convinced that the District Court reached the correct result when it denied Civiello's petition. Thus, on the

basis of the District Court's order and the Magistrate Judge's report, we affirm the District Court's decision.

TO THE CLERK:

Please file the foregoing Memorandum Opinion.

By the Court,

/s/ Jane R. Roth

Circuit Judge