

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

| | | |
|-------------------------------|---|---------------------|
| JONATHAN FISHER, | : | CIVIL ACTION |
| Petitioner | : | |
| | : | |
| v. | : | NO. 02-1764 |
| | : | |
| JEFFREY BEARD, et al., | : | |
| Respondents | : | |

ORDER

STENGEL, J.

AND NOW, this 10th day of August, 2009, upon careful and independent consideration of the petition for writ of *habeas corpus*, and after review of the thorough and well-reasoned Report and Recommendation of United States Magistrate Judge Timothy R. Rice, it is hereby ORDERED that:

1. The petitioner's objections are OVERRULED;
2. The Report and Recommendation is APPROVED and ADOPTED;
3. The petition for writ of *habeas corpus* is DENIED with prejudice;
4. There is no probable cause to issue a certificate of appealability;
5. The Clerk of Court shall mark this case CLOSED for statistical purposes.

BY THE COURT:

/s/ Lawrence F. Stengel

LAWRENCE F. STENGEL, J.