

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

**JOHN MOORE,**  
Petitioner,  
  
v.  
**DAVID DIGUGLIELMO, et al.,**  
Respondents.

CIVIL ACTION

No. 05-2796

**FILED**  
MAR 27 2009  
MICHAEL E. KUNZ, Clerk  
By \_\_\_\_\_ Dep. Clerk

AND NOW, this <sup>27</sup> day of March, 2009, upon review of the Report and Recommendation of Magistrate Judge Arnold C. Rapoport, it is hereby **ORDERED** that:

1. Petitioner's objections to the Magistrate Judge's report and recommendation are **OVERRULED**.
2. The Report and Recommendation is **APPROVED** and **ADOPTED**.
3. Petitioner's petition for a writ of habeas corpus is **DENIED** and **DISMISSED** without an evidentiary hearing.
4. A Certificate of Appealability is **NOT GRANTED**.

  
Pollak, J.