

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

LAMONT GIST : CIVIL ACTION  
: :  
v. : :  
: :  
DAVID DIGUGLIELMO, et al. : NO. 05-4250

ORDER

AND NOW this 25th day of August, 2009, upon careful and independent consideration of the Petition for Writ of Habeas Corpus of petitioner Lamont Gist (Docket No. 1) and the responses and replies thereto, and after review of the Report and Recommendation of United States Magistrate Judge Linda K. Caracappa (Docket No. 41) and the objections and response thereto, IT IS HEREBY ORDERED, for the reasons set out in a memorandum of today's date, that:

1. The petitioner's Objections are OVERRULED.
2. The Petition for Writ of Habeas Corpus is DENIED and DISMISSED WITHOUT AN EVIDENTIARY HEARING.
3. There is no basis for the issuance of a certificate of appealability.

BY THE COURT:

/s/ Mary A. McLaughlin  
MARY A. McLAUGHLIN, J.