

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

JOSE GARAY	:	CIVIL ACTION
	:	
v.	:	
	:	
GEORGE PATRICK, et al.	:	NO. 05-CV-5669

ORDER

_____ AND NOW, this 5th day of February, 2010, after a *de novo* review, IT IS

HEREBY ORDERED that:

1. The Magistrate Judge's Report and Recommendation is APPROVED and ADOPTED.
2. The petitioner's objections are OVERRULED.
3. The petition for writ of *habeas corpus* is DENIED with prejudice.
4. There is no probable cause to issue a certificate of appealability.

BY THE COURT:

/s/ J. William Ditter, Jr. _____
J. WILLIAM DITTER, JR.