COLON v. DIGUGLIELMO et al Doc. 40

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

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|---|---|---|
| **JOSE COLON,** | : | |
| **Petitioner,** | : | |
| **v.** | : | **CIVIL ACTION** |
| | : | **NO. 06-2263** |
| **DAVID DIGUGLIELMO et al,** | : | |
| **Respondents.** | : | |

**ORDER**

**AND NOW**, this ____ day of June, 2014, upon consideration of Petitioner's Motion to Vacate Order Denying Habeas Corpus Relief Pursuant to Fed. R. Civ. P. 60(b)(6) (Doc. 26), Respondents' Response in Opposition thereto (Doc. 35), and Petitioner's Reply (Doc. 38), **IT IS HEREBY ORDERED AND DECREED** as follows:

1. Petitioner's Motion is **DENIED AND DISMISSED WITHOUT AN EVIDENTIARY HEARING**;
2. A certificate of appealability is **DENIED**; and
3. Petitioner's Motion for Appointment of Counsel (Doc. 25) is **DENIED**.

**IT IS FURTHER ORDERED** that the Clerk of Court shall mark this matter as **CLOSED** for statistical purposes.

**BY THE COURT:**

**/s/ Petrese B. Tucker**

**Hon. Petrese B. Tucker, C. J.**

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