

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

EUGENE JACOBS : CIVIL ACTION
v. :
LOUIS FOLINO, et al. : NO. 07-925

ORDER

AND NOW, this 28th day of April, 2010, it is hereby ORDERED that:

1. Petitioner's objections to the Magistrate Judge's Report and Recommendation are overruled;
2. The Magistrate's Report and Recommendation is approved and adopted;
3. The Petition for Writ of Habeas Corpus is denied and dismissed with prejudice;
4. Because Petitioner has failed to make a substantial showing of the denial of any constitutional right, a certificate of appealability will not issue;
5. A Memorandum detailing the Court's review of the Report and Recommendation will follow; and
6. The Court shall CLOSE this case, statistically.

BY THE COURT:

/s/ **Michael M. Baylson**

MICHAEL M. BAYLSON, U.S.D.J.