

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

EUGENE WATSON : CIVIL ACTION
 :
v. :
 : No. 07-5183
MARDI I. VINCENT, et al. :

ORDER

AND NOW, this 14th day of December, 2009, upon careful and independent consideration of the petition for writ of habeas corpus, the response and rebuttal thereto, and after review of the Report and Recommendation of United States Magistrate Judge Arnold C. Rapoport, it is hereby ordered that:

1. The Report and Recommendation is approved and adopted. Petitioner's objection as to timeliness is sustained and all other objections are overruled.
2. The petition for writ of habeas corpus is denied with prejudice and dismissed without an evidentiary hearing.
3. There is no probable cause to issue a certificate of appealability.

BY THE COURT:

/s/ Edmund V. Ludwig
Edmund V. Ludwig, J.