GARRUS v. PENNSYLVANIA DEPARTMENT OF CORRECTIONS et al Doc. 13

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

NAKIA WILLIAM GARRUS	:	**CIVIL ACTION**
	:	
v.	:	
	:	
PENNSYLVANIA DEPARTMENT OF CORRECTIONS, *et al*	:	**NO. 08-6058**
	:	

ORDER

AND NOW, this 20th day of August, 2009, upon consideration of the Petition for Writ of Habeas Corpus (Docket No. 1), the Respondents' Answer to Petition for Writ of Habeas Corpus, the Report and Recommendation filed by United States Magistrate Judge Elizabeth T. Hey and petitioner's letter in response to the Report and Recommendation in which he appears to request that the petition be withdrawn (Docket No. 11), and after a thorough and independent review of the record, it is **ORDERED** that:

1. The Report and Recommendation of Magistrate Judge Hey is **APPROVED** and **ADOPTED**;

2. The Petition for Writ of Habeas Corpus is considered an amendment to the petition filed at Civil Action No. 07-187;

3. The claims raised in this petition are **DISMISSED AS UNTIMELY**; and,

4. There is no probable cause to issue a certificate of appealability.

/s Timothy J.Savage
TIMOTHY J. SAVAGE, J.

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