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

DAMIEN CLAGON,  
Petitioner

CIVIL ACTION

v.

DIGUGLIEMO, et al.,  
Respondent

FILED NO. 09-340 372

AUG 14 2009

MICHAEL E. KUNZ, Clerk  
By PAR Dep. Clerk

ORDER

AND NOW, this 13<sup>th</sup> day of August, 2009, upon consideration of the petitioner's petition for writ of habeas corpus and the defendant's response thereto, and after review of the Report and Recommendation of United States Magistrate Judge Carol Sandra Moore Wells dated May 7, 2009, with objections filed by the petitioner on May 19, 2009, IT IS ORDERED as follows:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**; and,
  2. Grounds Two, Three, and Four in the petition for Writ of Habeas Corpus, filed pursuant to 28 U.S.C. § 2254, are **DISMISSED**; and,
  3. Ground One in the petition is **DENIED** without an evidentiary hearing.
- Petitioner has not demonstrated that any reasonable jurist could find this court's procedural ruling debatable, nor shown any denial of any constitutional right; hence, no probable cause exists to issue a certificate of appealability.

The Clerk of Court is directed to mark this case closed.

BY THE COURT:

  
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LAWRENCE F. STENGEL, J.