

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

SEAN ROONEY,

Petitioner

v.

FRANKLIN TENNIS, et al.

Respondents.

CIVIL ACTION

No. 09-cv-399

ORDER

AND NOW, this 15th day of May , 2009, for the reasons stated in the accompanying memorandum, it is here by ORDERED that petitioner's request for relief pursuant to 28 U.S.C. § 2254 is DISMISSED WITHOUT PREJUDICE.

BY THE COURT:

/ s / Louis H. Pollak, J.
Pollak, J.