

VP

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

SHAWN TOMLIN
[EF-4270]

CIVIL ACTION

v.

FILED MAR 22 2010

RANDALL BRITTON, et al.

NO. 09-848

ORDER

AND NOW, this ^{22nd} ~~27th~~ day of March, 2010, upon consideration of the pleadings and the record herein, and after review of the Report and Recommendation of M. Faith Angell, United States Magistrate Judge, it is hereby **ORDERED**, that:

1. The Report and Recommendation is **APPROVED AND ADOPTED**.

2. The Petition for Writ of Habeas Corpus, filed pursuant to 28 U.S.C. §2254, is ~~DEFERRED~~ ^{granted}

~~AND~~ **DISMISSED AS TIME BARRED.**

There is ~~no~~ ^{probable} cause to issue a certificate of appealability. *

^{granted}

BY THE COURT:

John P. Fullam
JOHN P. FULLAM, J.

* CLOSE QUESTION AS TO EQUITABLE TOLLING
^{granted}

ENTERED
MAR 22 2010
CLERK OF COURT