

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

<b>DARRYL BANKS,</b>	:	<b>CIVIL ACTION</b>
<b>Petitioner</b>	:	
	:	
v.	:	<b>NO. 09-1065</b>
	:	
<b>COMMON PLEAS OF</b>	:	
<b>PHILADELPHIA, et al.,</b>	:	
<b>Respondents</b>	:	

**ORDER**

**AND NOW**, this 27th day of January, 2010, upon independent consideration of the petition for writ of *habeas corpus*, the response thereto, and after a careful review of the thorough and well-reasoned Report and Recommendation of United States Magistrate Judge Carol Sandra Moore Wells (Document #29), it is hereby ORDERED that:

1. This case is returned to the active docket;
2. There being no objections, the Report and Recommendation is APPROVED and ADOPTED;
3. The petition for writ of *habeas corpus* is DISMISSED without an evidentiary hearing;
4. The petitioner has neither shown a denial of a constitutional right, nor established that reasonable jurists would disagree with this court's disposition of his claims. Consequently, a certificate of appealability is DENIED.

The Clerk of Court is directed to mark this case CLOSED for all purposes.

BY THE COURT:

/s/ Lawrence F. Stengel  
 LAWRENCE F. STENGEL, J.