

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

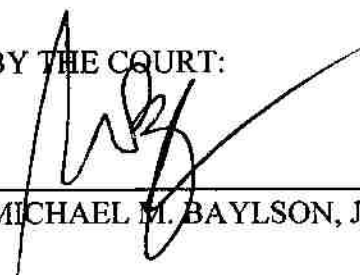
**CARMELO DIAZ** : **CIVIL ACTION**  
 :  
 v. :  
 :  
 **RANDALL BRITTON, et al.** : **No. 09-3109**

**ORDER**

AND NOW, this *20<sup>th</sup>* day of *May*, 2010, upon careful and independent consideration of the petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, and after review of the Report and Recommendation of United States Magistrate Judge Lynne A. Sitarski, IT IS ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED.
2. The petition for a writ for habeas corpus filed pursuant to 28 U.S.C. § 2254 is DISMISSED.
3. There is no basis for the issuance of a certificate of appealability.

BY THE COURT:




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MICHAEL M. BAYLSON, J.

*cc: Lorber (Fax)*