

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

MANUAL ROSARIO,  
Petitioner,

v.

FRANKLIN J. TENNIS, *et al.*,  
Respondents.

CIVIL ACTION

NO. 09-3277

FILED MAR 17 2010

ORDER

AND NOW, this <sup>16</sup> day of March, 2010, upon consideration of the petition for a writ of habeas corpus, Respondents' answer, the record of the state court proceedings, and the Report and Recommendation of United States Magistrate Judge David R. Strawbridge, it is **ORDERED** that:

1. The Report and Recommendation is **APPROVED AND ADOPTED**;
2. The petition for a writ of habeas corpus is **DENIED**;
3. A certificate of appealability **SHALL NOT** issue, in that the Petitioner has not made a substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); and
4. The Clerk of Court shall mark this case **CLOSED** for statistical purposes.

BY THE COURT:

Eduardo C. Robreno, J.  
EDUARDO C. ROBRENO, J.

ENTERED  
MAR 17 2010  
CLERK OF COURT