

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

WILLIAM NESMITH	:	CIVIL ACTION
	:	
v.	:	
	:	
COMMON PLEAS COURT OF	:	
PHILADELPHIA COUNTY, et al.	:	NO. 09-4356

ORDER

AND NOW, this ^{13th} day of *January*, 201~~0~~, upon consideration of the Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254, and respondent's opposition thereto, and after review of the Report and Recommendation of United States Magistrate Judge L. Felipe Restrepo, it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED;
2. The Petition for Writ of Habeas Corpus is DENIED and ~~DISMISSED~~; *JK*
3. A certificate of appealability shall not issue since, for the reasons set forth in the Report and Recommendation, a reasonable jurist could not conclude that the Court would be incorrect in denying and dismissing the § 2254 petition.

BY THE COURT:

John P. Fullam

 JOHN P. FULLAM, J.