

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

<u>TYRONE GIBBS a/k/a TARUM GIBBS</u>	:	
Petitioner,	:	
	:	
v.	:	CIVIL ACTION NO. 09-4766
	:	
	:	
<u>DAVID DIGUGLIELMO, et al.</u>	:	
Respondents.	:	

ORDER

AND NOW, this 5th day of January 2015, upon careful and independent consideration of the Petition for Writ of Habeas Corpus, and all related filings, and upon review of the Report and Recommendation of United States Magistrate Arnold C. Rapoport [Doc. No. 37] and the objections and responses thereto, it is hereby **ORDERED** that:

1. The Clerk is directed to **REMOVE** the case from Civil Suspense and return it to the active docket;
2. The Report and Recommendation is **APPROVED** and **ADOPTED**;
3. The Objections are **OVERRULED**;
4. The Petition for Writ of Habeas Corpus is **DISMISSED WITH PREJUDICE** and without an evidentiary hearing;
5. There is no probable cause to issue a certificate of appealability; and
6. The Clerk of Court is directed to **CLOSE** the case.

It is so **ORDERED**.

BY THE COURT:

/s/Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.