

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ANTHONY J. COSTA, JR.
[FD-8521]

CIVIL ACTION

v.

DAVID W. PITKINS, et al.

NO. 09-4882

~~FILED~~
~~U.S. DISTRICT COURT~~
~~EASTERN DISTRICT OF PENNSYLVANIA~~
~~PHILADELPHIA, PA.~~
MICHAEL K. KIM, Clerk
By Deputy Clerk

ORDER

AND NOW, this

14

day of

Oct

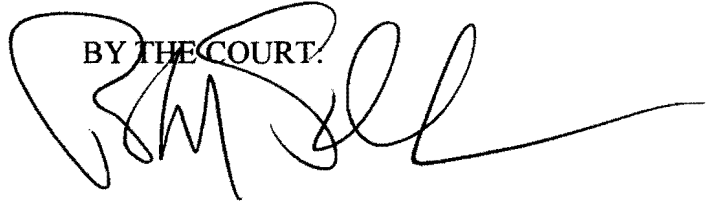
, 2010, upon

consideration of the pleadings and the record herein, and after review of the Report and Recommendation of M. Faith Angell, United States Magistrate Judge, *and objections filed* it is hereby **ORDERED** that:

1. The Report and Recommendation is **APPROVED AND ADOPTED.**
2. The Petition for Writ of Habeas Corpus is **DISMISSED WITHOUT PREJUDICE FOR FAILURE TO EXHAUST STATE COURT REMEDIES.**

There is no probable cause to issue a certificate of appealability.

BY THE COURT:



BERLE M. SCHILLER, J.