

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

SAMUEL D. HARPER, Petitioner,	:	
	:	CIVIL ACTION
	:	
v.	:	No. 10-0367
	:	
	:	
RAYMOND J. LAWLER, <i>et al.</i> , Respondents	:	
	:	
	:	

Order

YOHN, J.

And now, this 9th day of July, 2010, upon careful consideration of the instant petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, the government’s response, the Report and Recommendation of United States Magistrate Judge Thomas J. Rueter, and petitioner’s objections thereto, it is hereby **ORDERED** that:

1. Petitioner’s objections are **OVERRULED**.
2. The Report and Recommendation of United States Magistrate Judge Thomas J. Rueter is **APPROVED** and **ADOPTED**.
3. The petition for writ of habeas corpus is **DISMISSED** as untimely.
5. The petitioner having failed to make a substantial showing of the denial of a constitutional right, there is no ground to issue a certificate of appealability, see 28 U.S.C. § 2253(c).
6. The Clerk shall **CLOSE** this case statistically.

/s/ William H. Yohn Jr.
 William H. Yohn Jr., Judge