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

MICHAEL DAVIES

v.

DAVID DIGUGLIELMO, *et al.*

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CIVIL ACTION

No. 10-CV-0884

FILED

JUL 23 2010

MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

DAVIES v. DIGUGLIELMO et al

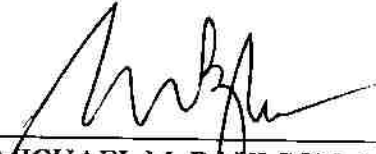
ORDER

AND NOW, this 23 day of July, 2010, upon consideration of the Petition for Writ of Habeas Corpus, the Commonwealth's Response, inclusive of all exhibits thereto, and after review of the Report and Recommendation of United States Magistrate Judge Carol Sandra Moore Wells, it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED;
2. Petition for Writ of Habeas Corpus is DISMISSED without an evidentiary hearing; and
3. Petitioner has not met statutory requirements to have his case heard and no reasonable jurist could find this procedural ruling debatable; thus, a certificate of appealability is DENIED.

IT IS SO ORDERED.

BY THE COURT:



MICHAEL M. BAYLSON, J.