

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

DAVID ERIC ALLEN	:	CIVIL ACTION
	:	
v.	:	
	:	
JEROME WALSH, et al.	:	NO. 10-3052

ORDER

AND NOW, this 7th day of December, 2010, upon consideration of the Petition for Writ of Habeas Corpus of Petitioner David Eric Allen (Docket No. 4), and the respondents' response thereto (Docket No. 15), and after review of the Report and Recommendation of United States Magistrate Judge Linda K. Caracappa (Docket No. 16) and the petitioner's Objections thereto (Docket No. 17), and following the respondents' response to the Court's questions in an order dated December 6, 2010, IT IS HEREBY ORDERED, for the reasons set forth in a memorandum of law bearing today's date, that:

1. The petitioner's Objections are OVERRULED.
2. The Report and Recommendation is APPROVED and ADOPTED, except as modified in the memorandum of law.
3. The Petition for Writ of Habeas Corpus is DENIED and DISMISSED as time-barred.

4. There is no basis for the issuance of a certificate of appealability.

BY THE COURT:

/s/ Mary A. McLaughlin
MARY A. McLAUGHLIN, J.