ASHBURN v. COMMONWEALTH OF PHILADELPHIA PENNSYLVANIA et al Doc. 9

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

CHRISTOPHER ASHBURN, Petitioner,	:	CIVIL ACTION
v.	:	No. 10-3838
COMMONWEALTH, et al., Respondents.	:	

ORDER

AND NOW, this 27th day of September, 2010, upon consideration of the petition for writ of habeas corpus, Respondents' response thereto, the Report and Recommendation of United States Magistrate Judge Jacob P. Hart dated September 8, 2010, and after a thorough and independent review of the record, it is hereby **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;

3. The petition for writ of habeas corpus is **DISMISSED** without prejudice for Petitioner to refile once state court remedies have been exhausted; and

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

BY THE COURT:

/s/ Mitchell S. Goldberg

MITCHELL S. GOLDBERG, J.

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