

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

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|--------------------------|---|--------------|
| WILLIAM MIKELL, | : | CIVIL ACTION |
| | : | |
| Petitioner, | : | NO. 10-7095 |
| | : | |
| v. | : | |
| | : | |
| DAVID A. VARANO, et al., | : | |
| | : | |
| Respondents. | : | |

ORDER

AND NOW, this 28th day of February, 2011, upon consideration of the Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254; the Report and Recommendation of U.S. Magistrate Judge L. Felipe Restrepo, and Petitioner's Objections thereto, it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED.
2. The Petition for Writ of Habeas Corpus is DISMISSED as time-barred.
3. A certificate of appealability should not issue because Petitioner has failed to show that a reasonable jurist could conclude that the Court is incorrect in dismissing the Petition as time-barred.
4. The Clerk of Court shall close this case for all purposes, including statistics.

BY THE COURT:

/s/ C. Darnell Jones II

C. DARNELL JONES II, U.S.D.J.