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

KHAMPHONY PHOMMA : CIVIL ACTION

v.

JOHN W. KERESTES, et al. : NO. 11-5832

## ORDER

AND NOW, this and day of Jan., 2012 upon careful and independent consideration of the pleadings and record herein, and after review of the Report and Recommendation of United States Magistrate Judge Thomas J. Rueter, it is hereby

## **ORDERED**

- 1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
- 2. The petition for a writ of habeas corpus is **DISMISSED WITHOUT**

## PREJUDICE; and

3. A certificate of appealability is <u>not</u> granted.

BY THE COURT:

Dockets.Justia.com