

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

JOHN J. LYNCH

FILED

CIVIL ACTION

JUL 24 2012

v.

MICHAEL E. KUNZ, Clerk
Dep. Clerk

LOUIS GIORLA, et al.

11-7520

ORDER

AND NOW, this 24th day of July, 2012, upon consideration of Petitioner's *pro se* Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254, the Commonwealth's answer, and after review of the Report and Recommendation of Chief United States Magistrate Judge Carol Sandra Moore Wells, it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED;
2. The Petition for Writ of Habeas Corpus is DISMISSED WITHOUT PREJUDICE to Petitioner's right to refile **promptly** at the conclusion of state court proceedings; and
3. Petitioner has not yet 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.

ENTERED

JUL 24 2012

CLERK OF COURT

BY THE COURT:



EDUARDO C. ROBRENO

① no objections were filed.
Lm.