

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

DARYL COOK	:	CIVIL ACTION
	:	
v.	:	
	:	
BRIAN Y. COLEMAN	:	NO. 12-1406

ORDER

AND NOW, this *25<sup>th</sup>* day of *June*, 2012, upon consideration of the Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2254, and after review of the Report and Recommendation of United States Magistrate Judge L. Felipe Restrepo, 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, for failure to exhaust state court remedies;
3. A certificate of appealability shall not issue in that a reasonable jurist could not conclude the Court is incorrect in dismissing the habeas petition without prejudice.

BY THE COURT:

  
 HARVEY BARTLE, III, J.