

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

JAMES E. FRANKS,
Petitioner,

v.

**GERALD ROZUM, Superintendent,
THOMAS CORBETT, PA Attrny. Gen.,
and R. SETH WILLIAMS, Phila. D.A.,**
Respondents.

CIVIL ACTION

NO. 12-3869

ORDER

AND NOW, this 21st day of January, 2014, upon consideration of *pro se* Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody filed by James E. Franks, the record in this case, the Report and Recommendation of United States Magistrate Judge Timothy R. Rice dated December 31, 2013, and document entitled “Reconsideration of Appeal in Civil Matters. (a) Reconsideration of Now Disposition Matters 28 U.S.C. 636(b)(1)(A),” treated by the Court as objections to the Report and Recommendation, **IT IS ORDERED** as follows:

1. The Report and Recommendation of United States Magistrate Judge Timothy R. Rice dated December 31, 2013, is **APPROVED AND ADOPTED**;
2. The *pro se* Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody filed by James E. Franks is **DENIED** and **DISMISSED**;
3. The document entitled “Reconsideration of Appeal in Civil Matters. (a) Reconsideration of Now Disposition Matters 28 U.S.C. 636(b)(1)(A),” treated by the Court as objections to the Report and Recommendation, is **DENIED** and **OVERRULED** on the ground that all of the issues raised in the document were addressed by Magistrate Judge Timothy R. Rice in the Report and Recommendation which the Court has approved and adopted; and,

4. A certificate of appealability will not issue because reasonable jurists would not debate (a) this Court's decision that the petition does not state a valid claim of the denial of a constitutional right, or (b) the propriety of this Court's procedural rulings with respect to petitioner's claims. *See* 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

BY THE COURT:

/s/ Hon. Jan E. DuBois

DuBOIS, JAN E., J.