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

SHARIF BROWN.

CIVIL ACTION

[Inmate #981715],

Petitioner,

v.

HON. JUDGE PETER RODGERS, et al.,

Respondents.

NO. 12-4063

AND NOW, this 22nd day of may, 2013, upon careful and independent consideration of the petition for a writ of habeas corpus, the response, Petitioner's reply to the response, and available state court records, and after review of the Report and Recommendation of United States Magistrate Judge David R. Strawbridge, it is ORDERED that:

- 1. The Report and Recommendation is APPROVED and ADOPTED;
- 2. The petition for a writ of habeas corpus is **DISMISSED**;
- 3. A certificate of appealability SHALL NOT issue, in that the Petitioner has not made a substantial showing of the denial of a constitutional right nor demonstrated that a reasonable jurist would debate the correctness of this ruling. See 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473, 484 (2000); and
  - 4. The Clerk of the Court shall mark this case CLOSED for statistical purposes.

BY THE COURT:

JOEL H. SLOMSKY,