

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

**JAMIL SMITH,**

**Petitioner,**

**CIVIL ACTION**

**v.**

**COMMONWEALTH OF  
PENNSYLVANIA DISTRICT  
ATTORNEYS OFFICE,**

**Respondent.**

**NO. 13-539**

**ORDER**

**AND NOW**, this 12th day of August, 2013, upon consideration of petitioner's Petition for Writ of Habeas Corpus under 28 U.S.C. §2241(a) (Document No. 1, filed January 30, 2013), the Response for Writ of Habeas Corpus (Document No. 13, filed June 21, 2013), the record in this case, and the Report and Recommendation of United States Magistrate Judge Thomas J. Rueter dated July 9, 2013, no objections having been filed, **IT IS ORDERED** as follows:

1. The Report and Recommendation of United States Magistrate Judge Thomas J. Rueter dated July 9, 2013, is **APPROVED** and **ADOPTED**;
2. The Petition for Writ of Habeas Corpus is **DISMISSED WITHOUT PREJUDICE** for failure to exhaust state remedies; and,
3. A certificate of appealability will not issue because reasonable jurists would not debate this Court's procedural ruling as required under 28 U.S.C. § 2253(c)(2). See Slack v. McDaniel, 529 U.S. 473, 484 (2000).

**BY THE COURT:**

/s/ Jan E. DuBois

**DuBOIS, JAN E., J.**