

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

MARCELLUS JONES,
Petitioner,

CIVIL ACTION

v.

TABB BICKELL,
THE ATTORNEY GENERAL OF THE
STATE OF _____, and
THE DISTRICT ATTORNEY OF
PHILADELPHIA,
Respondents.

NO. 13-1008

ORDER

AND NOW, this 5th day of June, 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 *pro se* petitioner, Marcellus Jones, the record in this case, and the Report and Recommendation of United States Magistrate Judge Thomas J. Rueter dated April 15, 2014, no objections to the Report and Recommendation having been filed, **IT IS ORDERED** as follows:

1. The Report and Recommendation of United States Magistrate Judge Thomas J. Rueter dated April 15, 2014, is **APPROVED AND ADOPTED**;
2. The Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody, filed by *pro se* petitioner, Marcellus Jones, is **DISMISSED AND DENIED**;
3. Petitioner's request for appointment of counsel is **DENIED**; 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.