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

DERRALD HANDY,

CIVIL ACTION

Petitioner,

v.

PA. BOARD OF PROBATION AND PAROLE; THE DISTRICT ATTORNEY OF THE COUNTY OF HARRISBURG; and, THE ATTORNEY GENERAL OF THE STATE OF PENNSYLVANIA,

NO. 13-1741

Respondents.

ORDER

AND NOW, this 13th day of December, 2013, upon consideration of Derrald Handy's Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody (Document 1, filed April 3, 2013), Amendment to Original Complaint of Document No. 1 (Document 8, filed June 11, 2013), Answer to Petition for Writ of Habeas Corpus (Document 11, filed June 28, 2013), Memorandum in Opposition to Petition for Writ of Habeas Corpus (Document 12, filed June 28, 2013), Response and Counter Statement of Facts to "Answer and Memorandum in Opposition to petition for Writ of Habeas Corpus" (Document 14, filed July 24, 2013), Submission to the Court (Document 15, filed August 27, 2013), the exhibits provided by the parties, and available state court records, and after review of the Report and Recommendation of Magistrate Judge David R. Strawbridge dated October 29, 2013, Response and Opposition to Report and Recommendation of Magistrate Judge Strawbridge (Document 17, filed November 12, 2013), for the reasons set forth in the Memorandum dated December 13, 2013, IT IS ORDERED as follows:

1. The Report and Recommendation of Magistrate Judge David R. Strawbridge dated

October 29, 2013, is APPROVED and ADOPTED;

2. Petitioner's Objections to the Report and Recommendation are **OVERRULED**;

3. The Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus filed by *pro se*

petitioner, Derrald Handy, is **DENIED**; and,

4. A certificate of appealability shall not issue because reasonable jurists would not

debate this Court's procedural rulings and petitioner has not made a substantial showing of a denial

of a constitutional right as required under 28 U.S.C. § 2253(c)(2). See Slack v. McDaniel, 529

U.S. 473, 484 (2000).

5. The Clerk of the Court shall mark this case **CLOSED.**

BY THE COURT:

/s/ Hon. Jan E. DuBois **DuBOIS, JAN E., J.**