

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

HARVEY P. SHORT,	:	CIVIL ACTION
Petitioner	:	
	:	
vs.	:	NO. 13-2236
	:	
DANIEL P. BURNS, et al.,	:	
Respondents	:	

ORDER

AND NOW, this 17th day of December, 2013, upon careful and independent consideration of the petition for writ of *habeas corpus* (Document #1), and after review of the thorough and well-reasoned Report and Recommendation of United States Magistrate Judge Timothy R. Rice (Document #18), **IT IS HEREBY ORDERED** that:

1. The petitioner's objections (Document #23) are **OVERRULED**.
2. The Report and Recommendation is **APPROVED** and **ADOPTED**.
3. The petition for writ of *habeas corpus* is **DISMISSED** without prejudice.
4. The petitioner's motion for the issuance of a subpoena *duces tecum* (Documents #14 and #15) is **DENIED**.¹
5. The petitioner's motion for the production of mental health records (Document #20) is **DENIED**.
6. There is no probable cause to issue a certificate of appealability.
7. The Clerk of Court is directed to mark this case **CLOSED** for all purposes.

BY THE COURT:

/s/ Lawrence F. Stengel
LAWRENCE F. STENGEL, J.

¹ Because I am dismissing it without prejudice as unexhausted, I find that the requested documents and mental health records are unnecessary to the disposition of this petition. Accordingly, I will deny both motions.