

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

JAMES MELVIN SMITH,	:	
Petitioner,	:	CIVIL ACTION
	:	No. 13-2410
v.	:	
	:	
JOHN E. WETZEL, et al.,	:	
Respondents.	:	

ORDER

AND NOW, this __18th__ day of April, 2017, upon careful and independent consideration of the petition for writ of habeas corpus and the parties' briefs and related filings, and after review of United States Magistrate Judge Linda K. Caracappa's Report and Recommendation and Petitioner's objections to the Report and Recommendation, it is **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**.
2. The petition for writ of habeas corpus is **DENIED** and **DISMISSED**.
3. There is no basis for the issuance of a certificate of appealability.

s/Anita B. Brody

ANITA B. BRODY, J.

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