

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

DWAYNE JONES

v.

COMMONWEALTH OF PA, et al.

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CIVIL ACTION NO. 13-3111

ORDER

AND NOW, this 10th day of February, 2014, upon consideration of the Report and Recommendation of Magistrate Judge Lynne A. Sitarski (Doc. No. 10), to which no objections have been filed, it is hereby **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. The Petition for Writ of Habeas Corpus (Doc. No. 3) is **DISMISSED without prejudice**.
3. There are no grounds to issue a certificate of appealability; and
4. The Clerk of Court shall mark this case closed for statistical purposes.

IT IS SO ORDERED.

/s/ Paul S. Diamond

Paul S. Diamond, J.