ALLEN v. WALSH et al Doc. 7

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

KENNETH ALLEN, Petitioner,	:	CIVIL ACTION
v.	:	NO. 13-3237
JEROME WALSH, et al., Respondents.	:	

ORDER

AND NOW, this 13th day of November, 2013, upon independent consideration of the Petition for Writ of Habeas Corpus (Doc. No. 1) filed on June 10, 2013, the Response to the Petition (Doc. No. 5) filed on October 4, 2013, and after review of the Report and Recommendation of United States Magistrate Judge Henry S. Perkin dated October 10, 2013, **IT IS ORDERED** that:

1. the Report and Recommendation is **APPROVED** and **ADOPTED**;
2. the Petition for a Writ of Habeas Corpus is **STAYED** and held in **ABEYANCE** until the conclusion of Petitioner's state appellate proceedings;
3. Petitioner shall return to federal court within thirty (30) days following the conclusion of his state court proceedings. If Petitioner does not return to federal court within thirty (30) days following the conclusion of his state court proceedings, this stay and abeyance order is vacated and the Petition is dismissed without prejudice; and
4. there is no probable cause to issue a certificate of appealability.

BY THE COURT:

Petrese B. Tucker

PETRESE B. TUCKER, C.J.

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