

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

DARNELL LLOYD,

Petitioner,

CIVIL ACTION

v.

**JOHN KERESTES; THE DISTRICT
ATTORNEY OF THE COUNTY OF
PHILADELPHIA; and, THE ATTORNEY
GENERAL OF THE STATE OF
PENNSYLVANIA,**

Respondent.

NO. 13-3650

ORDER

AND NOW, this 30th day of December, 2013, upon consideration of Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody filed by *pro se* petitioner, Darnell Lloyd, the record in this case, the Report and Recommendation of United States Magistrate Judge Thomas J. Rueter dated November 13, 2013, and Petitioner's Objections to Magistrate's Report and Recommendation, **IT IS ORDERED** as follows:

1. The Report and Recommendation of United States Magistrate Judge Thomas J. Rueter dated November 13, 2013, is **APPROVED AND ADOPTED**;
2. Petitioner's Objections to Magistrate's Report and Recommendation are **OVERRULED**;
3. The Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody filed by *pro se* petitioner, Darnell Lloyd, is **DENIED**; and,
4. A certificate of appealability will not issue because reasonable jurists would not debate (a) this Court's decision that the petition does not state a valid claim of the denial of a constitutional right, or (b) the propriety of this Court's procedural rulings with respect to petitioner's claims. *See* 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

The decision of the Court is based on the following:

1. Petitioner filed his Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus on June 24, 2013. In the Petition he raised three grounds for relief:
 - a. The evidence was insufficient to sustain his convictions.
 - b. Trial counsel provided ineffective assistance by not filing a motion to dismiss the charges pursuant to Pennsylvania Rule of Criminal Procedure 600 for violation of his speedy trial rights.
 - c. The sentence was excessive;
2. United States Magistrate Judge Rueter addressed each of the issues to which petitioner objected in his Report and Recommendation; and,
3. Petitioner's Objections are overruled for the reasons set forth in the Report and Recommendation which the Court approves and adopts.

BY THE COURT:

/s/ Hon. Jan E. DuBois

DuBOIS, JAN E., J.