

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

MAURICE CHELTEHAM,

Petitioner,

v.

CITY OF PHILADELPHIA, et al.,

Respondents.

CIVIL ACTION
NO. 13-3683

ORDER

AND NOW, this 2nd day of October 2015, upon careful and independent consideration of the Petition for Writ of Habeas Corpus (Doc. No. 1) and available state court records, and after review of the Report and Recommendation of United States Magistrate Judge David R.

Strawbridge (Doc. No. 5), it is **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**.¹
2. The Petition for Writ of Habeas Corpus (Doc. No. 1) is **DISMISSED WITHOUT PREJUDICE**.
3. A certificate of appealability **SHALL NOT** issue, in that the Petitioner has not made a substantial showing of the denial of a constitutional right nor demonstrated that reasonable jurists would debate the correctness of this ruling. See 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473, 484 (2000); and

¹ On September 3, 2015, the Court entered an Order affording Petitioner an additional fifteen (15) days in which to file objections to the Report and Recommendation because his change of address may have contributed to his failure to file objections. The original objections were due to be filed on July 16, 2015. As of this date, no objections have been filed and therefore the Report and Recommendation will be approved and adopted.

4. The Clerk of Court shall close this case for statistical purposes.

BY THE COURT:

/s/ Joel H. Slomsky
JOEL H. SLOMSKY, J.