

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

DAMON LAMONT BENSON

v.

TREVOR WINGARD, ET AL.

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: CIVIL ACTION  
: NO. 13-6976  
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**ORDER**

AND NOW, this 27th day of February, 2015, upon careful and independent consideration of the Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus (Doc. 1), Respondents’ Response in Opposition to Petition for Writ of Habeas Corpus (Doc. 16), Petitioner’s Reply (Doc. 18), the Report and Recommendation of United States Magistrate Judge Elizabeth T. Hey (Doc. 19), Petitioners Objections thereto (Doc. 22), and all other responses, **IT IS HEREBY ORDERED AND DECREED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. The Petition for Writ of Habeas Corpus is **DISMISSED** with prejudice; and
3. There has been **no** substantial showing of the denial of a constitutional right requiring the issuance of a certificate of appealability.

**IT IS FURTHER ORDERED** that the Clerk of Court shall mark the above-captioned case as **CLOSED** for statistical purposes.

**BY THE COURT:**

/s/ **Petrese B. Tucker**

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**Hon. Petrese B. Tucker, U.S.C.J.**