

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

ANTONIO DUPREE THOMAS	:	CIVIL ACTION
	:	
v.	:	
	:	
MR. CAMERON, SUPT., <u>et al.</u>	:	No. 14-1629
	:	
	:	

ORDER

AND NOW, this 12th day of March, 2018, upon careful and independent consideration of the petition for writ of habeas corpus, and after review of the Report and Recommendation of United States Magistrate Judge Jacob P. Hart, it is hereby ORDERED that:

1. Petitioner's objections (Doc. No. 55) are **OVERRULED**¹;
2. The Report and Recommendation (Doc. No. 51) is **APPROVED** and **ADOPTED**;
2. The Petition for a Writ of Habeas Corpus is **DENIED**;
4. There is no basis for the issuance of a certificate of appealability; and
5. The Clerk of Court is directed to mark this case **CLOSED**.

¹ As Petitioner has withdrawn Claim 16, he objects only to Judge Hart's dismissal of Claim 6. Petitioner does not raise any new arguments or additional facts in his objections. Rather, he again argues that Claim 6 should not be considered procedurally defaulted because PCRA counsel was ineffective in failing to raise it. As Judge Hart explained in his Report and Recommendation, Petitioner has failed to demonstrate prejudice and thus Martinez v. Ryan, 566 U.S. 1 (2012) is not available to excuse the procedural default.

BY THE COURT:

/s/ Mitchell S. Goldberg

MITCHELL S. GOLDBERG, J.