

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

OMAR ANGEL ZAYAS : CIVIL ACTION
: :
v. : :
: :
COMMONWEALTH OF : :
PENNSYLVANIA, et al. : NO. 14-3138

FILED

JUL 16 2014

MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

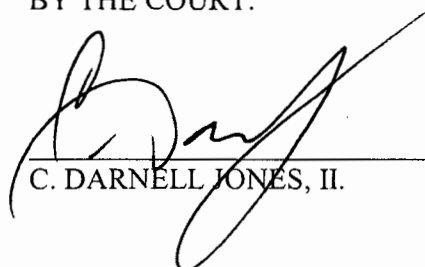
ORDER

AND NOW, this 16th day of July, 2014, upon consideration of petitioner's Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241(a) (Doc. 1), the Response to Petition for Writ of Habeas Corpus (Doc. 7), the record in this case, and the Report and Recommendation of United States Magistrate Judge Thomas J. Rueter, it is hereby

ORDERED as follows:

1. The Report and Recommendation of United States Magistrate Judge Thomas J. Rueter is **APPROVED** and **ADOPTED**;
2. The petition for a writ of habeas corpus is **DISMISSED WITHOUT PREJUDICE** for failure to exhaust state remedies; and
3. A certificate of appealability will not issue because reasonable jurists would not debate this court's procedural ruling as required under 28 U.S.C. § 2253(c)(2). See Slack v. McDaniel, 529 U.S. 473, 484 (2000).

BY THE COURT:


C. DARNELL JONES, II. J.