

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

**KHALIF ALSTON,**  
**Petitioner,**

**CIVIL ACTION**

**v.**

**SUPERINTENDENT ROBERT  
GILMORE,  
THE DISTRICT OF ATTORNEY OF THE  
COUNTY OF PHILADELPHIA, and  
THE ATTORNEY GENERAL OF THE  
STATE OF PENNSYLVANIA,**  
**Respondents.**

**NO. 14-6439**

**ORDER**

**AND NOW**, this 29th day of December, 2016, upon consideration of Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus filed by *pro se* petitioner, Khalif Alston, the record in this case, the Report and Recommendation of United States Magistrate Judge Henry S. Perkin dated August 16, 2016, and *pro se* petitioner's Written Objections in Response [sic] to Report and Recommendation Filed by Henry S. Perkin, M.J., **IT IS ORDERED** as follows:

1. The Report and Recommendation of United States Magistrate Judge Henry S. Perkin dated August 16, 2016, is **APPROVED** and **ADOPTED**;
2. *Pro se* petitioner's Written Objections in Response [sic] to Report and Recommendation Filed by Henry S. Perkin, M.J., which repeats the arguments made in support of his Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus and fails to address errors in the Report and Recommendation of United States Magistrate Judge Henry S. Perkin dated August 16, 2016, are **OVERRULED** for the reasons stated in the Report and Recommendation which this Court has approved and adopted;

3. The Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus filed by *pro se* petitioner, Khalif Alston is **DENIED WITH PREJUDICE**;

4. *Pro se* petitioner's request for an evidentiary hearing is **DENIED** on the ground that all of the evidence relevant to a ruling on the Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus is a matter of record;

5. 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, and (b) the propriety of this Court's procedural ruling with respect to petitioner's claim. See 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

**IT IS FURTHER ORDERED** that the Clerk of Court shall **MARK** the case **CLOSED**.

**BY THE COURT:**

/s/ **Hon. Jan E. DuBois**

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**DuBOIS, JAN E., J.**