

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

CLARENCE MOORE	:	CIVIL ACTION
	:	
v.	:	No. 15-281
	:	
LUIS GIORLA, et al.	:	

**ORDER**

AND NOW, this 21st day of December, 2015, upon careful and independent consideration of Petitioner Clarence Moore’s pro se Petition Under 28 U.S.C. § 2254 for a Writ of Habeas Corpus by a Person in State Custody, and after review of the Report and Recommendation of United States Magistrate Judge Elizabeth T. Hey, to which no objections have been filed,<sup>1</sup> it is ORDERED:

1. The Report and Recommendation (Document 11) is APPROVED and ADOPTED;
2. Moore’s Petition for a Writ of Habeas Corpus (Document 1) is CONSTRUED as a petition filed pursuant to 28 U.S.C. § 2241 and is DISMISSED without prejudice for failure to exhaust state remedies;
3. There is no probable cause to issue a certificate of appealability; and
4. The Clerk of Court shall mark this case CLOSED.

BY THE COURT:

/s/ Juan R. Sánchez  
Juan R. Sánchez, J.

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<sup>1</sup> The Report and Recommendation was sent to all parties of record on November 20, 2015, together with a Notice from the Clerk of Court advising the parties of their obligation to file any objections within 14 days after service of the Notice. *See* Local R. Civ. P. 72.1 IV(b) (“Any party may object to a magistrate judge’s proposed findings, recommendations or report under 28 U.S.C. § 636(b)(1)(B) . . . within fourteen (14) days after being served with a copy thereof.”). No objections have been filed to date.