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

JAMES JONES,	:	
	:	
Petitioner,	:	CIVIL ACTION NO. 15-2728
	:	
v.	:	
	:	
M. WENEROWICZ, SUPERINTEND STATE PRISON – GRATERFORD, and THE ATTORNEY GENERAL OF THE STATE OF PENNSYLVANIA,	:	
	:	
Respondents.	:	

ORDER

AND NOW, this 24th day of June, 2016, after considering the petition for a writ of habeas corpus filed by the petitioner (Doc. No. 1), the response to the petition filed by the government (Doc. No. 25), the reply filed by the petitioner (Doc. No. 28), the amended response to the petition filed by the government (Doc. No. 32), and the reply to the amended response filed by the petitioner (Doc. No. 38); and after considering the state-court record; and after considering the report and recommendation filed by United States Magistrate Judge Elizabeth T. Hey (Doc. No. 34); and after considering the objections to the report and recommendation filed by the petitioner (Doc. No. 39); accordingly, it is hereby **ORDERED** as follows:

1. The report and recommendation (Doc. No. 34) is **APPROVED** and **ADOPTED**;

2. The petitioner's objections (Doc. No. 39) are **OVERRULED**;[1]

3. The petition for a writ of habeas corpus (Doc. No. 1) is **DISMISSED WITHOUT PREJUDICE**;

4. The petitioner's motion for the appointment of counsel (Doc. No. 29) is **DENIED**;

5. The petitioner's motion for a rule to show cause (Doc. No. 24) is **DENIED AS MOOT**;

6. A certificate of appealability **SHALL NOT** issue; and

7. The clerk of court is **DIRECTED** to mark this matter as **CLOSED**.

BY THE COURT:

/s/ *Edward G. Smith*
EDWARD G. SMITH, J.

[1] The court has reviewed both the petitioner's objections to the report and recommendation and his reply to the government's amended response. Unfortunately, and despite being given an opportunity to do so, the petitioner does not seriously grapple with the idea that his current petition is an unauthorized second or successive petition. To the extent that he levels merits objections, they are irrelevant given this court's lack of jurisdiction. And to the extent that his objections attack the impartiality of Magistrate Judge Hey, they are without merit.