CLARKE v. FERGUSON et al

Doc. 9

JD

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

RODNEY CLARKE, **Petitioner,**	:	
v.	:	**CIVIL ACTION NO. 15-3901**
TAMMY FERGUSON, ***et al.*****,** **Respondents.**	:	

FILED
OCT 11 2016
LUCY V. CHIN, Interim Clerk
By _____ Dep. Clerk

AND NOW, this 11th day of October 2016, upon careful and independent consideration of the Petition for Writ of Habeas Corpus, and all related filings, and upon review of the Report and Recommendation of United States Magistrate Judge Jacob P. Hart (Doc. No. 7), it is hereby **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**.

2. The Petition for Writ of Habeas Corpus is **STAYED** and held in **ABEYANCE** until the conclusion of Petitioner's state court proceedings.

3. Petitioner shall return to federal court within thirty days following the conclusion of his state court proceedings or, if Petitioner's state court proceedings have concluded, within thirty days of the date of this Order. If Petitioner fails to do so, this stay and abeyance Order is vacated and his petition is dismissed without prejudice.

4. There is no basis to issue a certificate of appealability.

It is so **ORDERED**.

BY THE COURT:

Cynthia M. Rufe, J.

CYNTHIA M. RUFE, J.

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