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

MICHAEL LEVANT JOHNSON

v.

C.A. NO. 15-4242

NANCY GIROUX, SUPERINTENDENT, et al.

ORDER

AND NOW, this 29th day of August, 2017, upon careful consideration of the petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, the response, the thorough and well-reasoned report and recommendation of United States Magistrate Judge Thomas J. Rueter, petitioner's objections to the report and recommendation, it is hereby **ORDERED** that:

- 1. Petitioner's objections are **OVERRULED**.
- 2. The report and recommendation of United States Magistrate Judge Thomas J. Rueter [Doc. 17] is **APPROVED** and **ADOPTED**.
- 3. The petition for writ of habeas corpus is **DISMISSED WITHOUT PREJUDICE**.
- 4. The petitioner having failed to demonstrate that a reasonable jurist could conclude that the court is incorrect in dismissing the petition, there is no ground to issue a certificate of appealability.
- 5. The petitioner's motion for transcripts [Doc. 24] is **DENIED as moot**.
- 6. The petitioner's motion for writ of mandamus [Doc. 27] is **DENIED as moot**.
- 7. The Clerk is **DIRECTED** to mark this case closed.

BY THE COURT:

/s/ Jeffrey L. Schmehl
JEFFREY L. SCHMEHL, J.