GINES v. GARMAN et al Doc. 14

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

ANDREW GINES,	:	
	:	
Petitioner,	:	
	:	**CIVIL ACTION**
v.	:	
	:	**NO. 15-5422**
MARK GARMAN, et al.,	:	
	:	
Respondents.	:	

O R D E R

AND NOW, this 2nd day of February, 2017, upon careful and independent consideration of the petition for writ of habeas corpus, and after review of the thorough and well-reasoned Report and Recommendation of United States Magistrate Judge Marilyn Heffley, **IT IS HEREBY ORDERED** that:

1. The report and recommendation is **APPROVED** and **ADOPTED**;[1]
2. The petition for a writ of habeas corpus is **DISMISSED** with prejudice;
3. A certificate of appealability **WILL NOT ISSUE**; and
4. The Clerk is directed to mark this case **CLOSED**.

BY THE COURT

/s/ Lawrence F. Stengel
LAWRENCE F. STENGEL, J.

[1] Petitioner Andrew Gines brings this *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On June 28, 2016, United States Magistrate Judge Marilyn Heffley issued a Report and Recommendation, recommending that the petition be denied and dismissed. Petitioner filed a Rebuttal to the Report and Recommendation on August 11, 2016 (Docket No. 12), and subsequently filed an Addendum on August 31, 2016 (Docket No. 13). The arguments set forth in those documents do not address the basis for denial and dismissal of the petition set forth in the Report and Recommendation; specifically, that the petition is untimely and that Petitioner is not entitled to equitable tolling. I will therefore approve and adopt the Report and Recommendation, and dismiss the petition with prejudice without an evidentiary hearing.

Dockets.Justia.com