

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

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MANUEL RAUL REYO PENA GARCIA MONTERO	:	
Petitioner,	:	
	:	
v.	:	No. 2:15-cv-05821
	:	
DEPT OF HOMELAND SECURITY/SEC OF STATE,	:	
Respondents.	:	

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**ORDER**

**AND NOW**, this 16<sup>th</sup> day of November, 2017, after de novo review of Manuel Raul Reyes Pena Garcia Montero’s petition for writ of habeas corpus, ECF Nos. 1 and 3; the Commonwealth’s response in opposition, ECF No. 9; the Report and Recommendation (“R&R”) of Magistrate Judge Richard A. Lloret, ECF No. 12; the Opinion and Order attached as Exhibit A to the R&R, which addresses a substantially identical petition filed by Petitioner in the United States District Court for the Middle District of Pennsylvania, Ex. A, ECF No. 12; and the objections to the R&R, ECF No. 15, **IT IS HEREBY ORDERED THAT:**

1. The Report and Recommendation, ECF No. 12, is **APPROVED and ADOPTED**;<sup>1</sup>

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<sup>1</sup> When objections to a report and recommendation have been filed under 28 U.S.C. § 636(b)(1)(C), the district court must make a de novo review of those portions of the report to which specific objections are made. *Sample v. Diecks*, 885 F.2d 1099, 1106 n.3 (3d Cir. 1989); *Goney v. Clark*, 749 F.2d 5, 6-7 (3d Cir. 1984) (“providing a complete de novo determination where only a general objection to the report is offered would undermine the efficiency the magistrate system was meant to contribute to the judicial process”). “District Courts, however, are not required to make any separate findings or conclusions when reviewing a Magistrate Judge’s recommendation de novo under 28 U.S.C. § 636(b).” *Hill v. Barnacle*, 655 F. App’x. 142, 147 (3d Cir. 2016). The district “court may accept, reject, or modify, in whole or in part, the findings and recommendations” contained in the report. 28 U.S.C. § 636(b)(1)(C).

2. The objections, ECF No. 15, to the Report and Recommendation are **OVERRULED**;

3. The petition for writ of habeas corpus, ECF Nos. 1 and 3, is **DENIED and DISMISSED with prejudice**;

4. There is no basis for the issuance of a certificate of appealability;<sup>2</sup>

5. The case is **CLOSED**.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.  
JOSEPH F. LEESON, JR.  
United States District Judge

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<sup>2</sup> “When, as here, the district court denies relief on procedural grounds, the petitioner seeking a COA must show both ‘that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.’” *Gonzalez v. Thaler*, 132 S. Ct. 641, 648 (2012) (quoting *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)).