

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

BRANDON STALEY : CIVIL ACTION
vs. :
TREVOR A. WINGARD, et al. : NO. 15-CV-6067

ORDER

AND NOW, this 10th day of October, 2017, upon careful and independent consideration of Brandon Staley's petition for Writ of Habeas Corpus (Document #11), the Commonwealth's response in opposition (Document #14) and the Petitioner's objections thereto (Document #17), and after review of the Report and Recommendation of United States Magistrate Judge Richard A. Lloret, it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED;
2. The Petition for Writ of Habeas Corpus is DENIED and DISMISSED with prejudice by separate Judgment, filed contemporaneously with this Order. See Federal Rule of Civil Procedure 58(a); Rules Governing Section 2254 Cases in the United States District Courts, Rule 12;
3. No certificate of appealability shall issue under 28 U.S.C. §2253(c)(1)(A) because "the applicant has [not] made a substantial showing of the denial of a constitutional right[,]" under 28 U.S.C. § 2253(c)(2), since he has not demonstrated that "reasonable jurists" would find my "assessment of the constitutional claims debatable or wrong." Slack v. McDaniel, 529 U.S. 473, 484 (2000); see United States v. Cepero, 224 F.3d 256, 262-63 (3d Cir. 2000), abrogated on other grounds by Gonzalez v. Thaler, 565 U.S. 134 (2012); and

4. The Clerk of Court shall mark this file closed.

BY THE COURT:

s/J. Curtis Joyner
J. CURTIS JOYNER, J.