

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

EDWARD DAVIS,
Petitioner,

v.

**SUPERINTENDENT, SCI-DALLAS, and
THE ATTORNEY GENERAL OF THE
STATE OF PENNSYLVANIA,**
Respondents.

CIVIL ACTION

NO. 15-6534

ORDER

AND NOW, this 28th day of November, 2016, upon consideration of Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus filed by petitioner, Edward Davis, the record in this case, the Report and Recommendation of United States Magistrate Judge Elizabeth T. Hey dated August 22, 2016, petitioner's Objections to the Report and Recommendation of the Magistrate Judge, and Response to Petitioner's Objections to the Magistrate Judge's Report and Recommendation, **IT IS ORDERED** as follows:

1. The Report and Recommendation of United States Magistrate Judge Elizabeth T. Hey dated August 22, 2016, is **APPROVED** and **ADOPTED**;
2. The Objections to the Report and Recommendation are **OVERRULED** for the reasons stated in the Report and Recommendation with which this Court agrees;
3. The Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus filed by petitioner, Edward Davis, is **DISMISSED** as untimely filed; and,
4. A certificate of appealability will not issue because reasonable jurists would not debate the propriety of this Court's procedural ruling with respect to petitioner's claims. *See* 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

BY THE COURT:
/s/ Hon. Jan E. DuBois

DuBOIS, JAN E., J.