

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

OZZIE DAVIS,	:	
Petitioner,	:	CIVIL ACTION
	:	
v.	:	
	:	No. 16-3807
THOMAS MCGINLEY et al.,	:	
Respondents.	:	

ORDER

AND NOW, this 24th day of July, 2018, upon consideration of Petitioner Ozzie Davis’s Petition for Writ of *Habeas Corpus* (Doc. No. 1), and the Respondents’ response thereto (Doc. No. 21), Petitioner’s Reply (Doc. No. 22), U.S. Magistrate Judge Lynne A. Sitarski’s Report & Recommendation (Doc. No. 24), Petitioner’s Objections (Doc. No. 27), and the state court record, it is **ORDERED** that:

1. The Report & Recommendation (Doc. No. 24) is **APPROVED** and **ADOPTED**;
2. Petitioner’s Objections are **OVERRULED**.¹
3. The Petition is **DISMISSED** with prejudice.
4. There is no probable cause to issue a certificate of appealability.²

¹ Petitioner objects to the Report and Recommendation, raising substantially the same arguments that he has raised in his prior filings in this matter. Magistrate Judge Sitarski thoroughly addressed Petitioner’s arguments and correctly concluded that none of them had merit. Mr. Davis particularly objects to Magistrate Judge Sitarski’s conclusions regarding (1) the sufficiency of the evidence against him and (2) his *Bruton* claim.

First, the Court agrees with Magistrate Judge Sitarski’s conclusion that there was sufficient evidence to support both of Mr. Davis’s convictions. Second, “[g]iven this strong evidence that Petitioner conspired with Chaco to murder Lewis, this Court does not have ‘grave doubt’ about whether the *Bruton* violation had a substantial and injurious effect or influence in determining the jury’s verdict.” Report & Recommendation, at 30 (Doc. No. 24). Therefore, for the reasons ably outlined by Magistrate Judge Sitarski in her Report and Recommendation, the Petition must be denied.

² A certificate of appealability may issue only upon “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). A petitioner must “demonstrate that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” *Slack v.*

5. The Clerk of Court shall mark this case **CLOSED** for all purposes, including statistics.

BY THE COURT:

S/Gene E.K. Pratter

GENE E.K. PRATTER

UNITED STATES DISTRICT JUDGE

McDaniel, 529 U.S. 473, 484 (2000); *Lambert v. Blackwell*, 387 F.3d 210, 230 (3d Cir. 2004). There is no probable cause to issue a certificate in this action.