

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

MICHAEL JOSEPH HENRY,

Plaintiff,

v.

BARRY SMITH, et al.,

Respondents.

CIVIL ACTION  
NO. 16-5010

**ORDER**

**AND NOW**, this 10th day of July 2017, upon careful consideration of the Petition for Writ of Habeas Corpus (Doc. No. 3), the Response in Opposition to the Petition (Doc. No. 10), Petitioner's Reply (Doc. No. 11), the Report and Recommendation of United States Magistrate Judge Marilyn Heffley (Doc. No. 13), and Petitioner's Objections to the Report and Recommendation (Doc. No. 14), it is **ORDERED** that:

1. The Report and Recommendation (Doc. No. 13) is **APPROVED** and **ADOPTED**.
2. The Petition for a Writ of Habeas Corpus (Doc. No. 3) is **DENIED**.
3. A Certificate of Appealability **SHALL NOT** issue because, based on the analysis contained in the Magistrate Judge's Report and Recommendation, as approved and adopted by this Court, a reasonable jurist could not conclude that the Court is incorrect in denying and dismissing the Habeas Petition. See 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473 (2000).
4. The Clerk of Court shall close this case for statistical purposes.

BY THE COURT:

/s/ Joel H. Slomsky  
JOEL H. SLOMSKY, J.