

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

<p>GENE W. MILLER,</p> <p style="padding-left: 100px;">Petitioner,</p> <p style="padding-left: 100px;">v.</p> <p>WARDEN MR. MOONEY and DISTRICT ATTORNEY of PHILADELPHIA COUNTY,</p> <p style="padding-left: 100px;">Respondents.</p>	<p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p>	<p>No. 2:16-CV-5041</p>
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ORDER

AND NOW, this 19th day of December, 2016, for the reasons set forth in the Memorandum issued this date, **IT IS HEREBY ORDERED THAT:**

1. The revised habeas petition, ECF No. 5, is **DISMISSED**;
2. There is no basis for the issuance of a certificate of appealability;¹ and
3. The Clerk of Court shall **CLOSE** this case.

BY THE COURT:

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

¹ Reasonable jurists would not find it debatable or wrong that the habeas petition is time-barred. *See* 28 U.S.C. § 2253(c); *Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000) (holding that for a certificate of appealability to issue when a habeas petition has been dismissed on procedural grounds, a petitioner must make a substantial showing of the denial of a constitutional right and show that jurists of reason could conclude that the dismissal was debatable or incorrect).