

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

DONTEY H. JONES  
Petitioner,  
v.  
SUPT. MICHAEL OVERMYER, et al.  
Respondents.

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CIVIL ACTION NO. 16-5466

MAR - 5 2018

**ORDER**

By

**AND NOW**, this 5th day of March 2018, upon careful and independent consideration of the Petition for Writ of Habeas Corpus, and all related filings, and upon review of the Report and Recommendation (“R&R”) of United States Magistrate Judge David R. Strawbridge, to which no objections have been filed, it is hereby **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**<sup>1</sup>;
2. The Petition for Writ of Habeas Corpus is **DISMISSED WITH PREJUDICE**

and without an evidentiary hearing;

3. There is no probable cause to issue a certificate of appealability<sup>2</sup>; and
4. The Clerk of Court is directed to **CLOSE** the case.

It is so **ORDERED**.

**BY THE COURT:**

*Cynthia M. Rufe, J.*  
**CYNTHIA M. RUFÉ, J.**

<sup>1</sup> The Court agrees with the careful analysis set forth in the R&R, and the conclusion that the state courts reasonably rejected Petitioner’s claims of ineffective assistance of counsel. The voluntariness of Petitioner’s confession was considered on the merits in the state courts, and as the record included Petitioner’s testimony at trial, counsel’s alleged ineffectiveness in not having Petitioner testify at the suppression hearing did not result in prejudice.

<sup>2</sup> There is no basis for concluding that “reasonable jurists could debate whether . . . the petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (internal citation omitted).