## IN THE UNITED STATES DISTRICT COURT

## FOR THE EASTERN DISTRICT OF PENNSYLVANIA

| JAMEICE NASH    | :     |                                     |
|-----------------|-------|-------------------------------------|
| Petitioner      | :     |                                     |
|                 | :     |                                     |
| <b>v.</b>       | :     | Civil No. 16-cv <u>-0</u> 6387-WB   |
|                 | :     | FIIEN                               |
| COMMONWEALTH OF | :     |                                     |
| PENNSYLVANIA    | :     | APR 17 2017                         |
| Respondents     | :     | KATE BARKMAN, Clork<br>ByDep. Clerk |
|                 | ORDER |                                     |

- 1. The Report and Recommendation of Magistrate Judge Richard A. Lloret is APPROVED and ADOPTED;
- 2. Nash's Petition for Writ of Habeas Corpus is DENIED and DISMISSED without prejudice;
- 3. No certificate of appealability shall issue under 28 U.S.C. § 2253(c)(1)(A) because "the applicant has [not] made a substantial showing of the denial of a constitutional right[,]" under 28 U.S.C. § 2253(c)(2), since he has not demonstrated that "reasonable jurists" would find my "assessment of the constitutional claims debatable or wrong." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *see United States v. Cepero*, 224 F.3d 256, 262-63 (3d Cir. 2000), *abrogated on other grounds by Gonzalez v. Thaler*, \_\_\_\_ U.S. \_\_\_\_, 132 S. Ct. 641 (2012); and,

4. The Clerk of Court shall mark this file closed.

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BY THE COURT:

HON. WENDY BEETLESTONE U.S. District Judge