

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

MARK HENDERSON,	:	
	:	CIVIL ACTION
Petition,	:	
	:	
v.	:	
	:	NO. 17-0111
COURT OF COMMON PLEAS, OF PHILADELPHIA COUNTY, et al.	:	
	:	
Respondent.	:	
	:	

ORDER

AND NOW, this 18th day of September, 2017, upon consideration of the Petition for Writ of Habeas Corpus (Doc. No. 1); Respondents’ Response in Opposition (Doc. No. 9), the August 14, 2017 Report and Recommendation of Magistrate Judge Thomas J. Rueter (Doc. No. 10) to which Petitioner has not objected, and after a thorough and independent review of the record, it is hereby **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. The Petition for Writ of Habeas Corpus is **DENIED** with prejudice and **DISMISSED** as untimely without an evidentiary hearing;
3. There is no probable cause to issue a certificate of appealability.

It is **FURTHER ORDERED** that Petitioner’s Motion for an Immediate Hearing (Doc. No. 6) is **DENIED AS MOOT**.

BY THE COURT:

/s/ Mitchell S. Goldberg

MITCHELL S. GOLDBERG, J.