

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

SEAN HARVEY

v.

JOHN RIVELLO, et al.

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CIVIL ACTION NO. 17-189

ORDER

This 6th day of January, 2022, following careful and independent review of the petition for Writ of Habeas Corpus and after review of the Report and Recommendation of United States Magistrate Judge Elizabeth T. Hey (ECF 45),¹ it is **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**.
2. The petition for Writ of Habeas Corpus is **DENIED**.
3. There is no basis for the issuance of a certificate of appealability.
4. The Clerk of the Court shall mark this case closed for statistical purposes.

/s/ Gerald Austin McHugh

UNITED STATES DISTRICT JUDGE

¹ Petitioner has not filed any objections to the Report and Recommendation despite being granted two extensions of time for filing. He was first granted an extension after his counsel, highly experienced in the litigation of habeas petitions, withdrew after determining that there was no non-frivolous basis on which to lodge objections to the Magistrate Judge’s report. ECF 46, 47. Petitioner was granted a second extension after obtaining new counsel, but has failed to file any objections. ECF 49, 51.