PENNINGTON v. TICE et al Doc. 25

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

| | | |
|---|---|---|
| **DEANDRE PENNINGTON,** | : | |
| **Petitioner,** | : | |
| | : | |
| **v.** | : | **CIVIL ACTION NO. 17-330** |
| | : | |
| **ERIC TICE, *et al.*,** | : | |
| **Respondents.** | : | |

**ORDER**

**AND NOW,** this 18th day of March 2019, upon careful and independent consideration of the *pro se* Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 [Doc. No. 1], all related filings, and upon review of the Report and Recommendation ("R&R") of United States Magistrate Judge Lynne A. Sitarski [Doc. No. 18], and the objections thereto, it is hereby **ORDERED** that:

1. The Objections are **OVERRULED**;

2. The R&R is **APPROVED** and **ADOPTED in part**, as set forth in the accompanying opinion;

3. The Petition for Writ of Habeas Corpus [Doc. No. 1] is **DISMISSED WITH PREJUDICE** and without an evidentiary hearing;

4. There is no probable cause to issue a certificate of appealability; and

4. The Clerk of Court is directed to **CLOSE** the case.

It is so **ORDERED.**

**BY THE COURT:**

**/s/ Cynthia M. Rufe**

**CYNTHIA M. RUFE, J.**

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