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

OMAR McCLARIN,

CIVIL ACTION

Petitioner,

v.

THOMAS McGINTLY,
THE DISTRICT ATTORNEY OF THE
COUNTY OF KEVIN STEELE, and
THE ATTORNEY GENERAL OF THE
STATE OF JOSH SHAPIRO,
Respondents.

NO. 17-1092

## ORDER

**AND NOW**, this 13th day of October, 2017, upon consideration of Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus filed by *pro so* petitioner, Omar McClarin (Document No. 1, filed March 10, 2017), the record in this case, the Report and Recommendation of United States Magistrate Judge Richard A. Lloret dated August 22, 2017, *pro se* petitioner's Objections to the Report and Recommendation with Attached Arguments and Case Law (Document No. 11, filed October 10, 2017, **IT IS ORDERED** as follows:

- 1. The Report and Recommendation of United States Magistrate Judge Richard A. Lloret dated August 22, 2017, is **APPROVED** and **ADOPTED** insofar as it recommends dismissal of the Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus filed by *pro so* petitioner, Omar McClarin, as untimely filed, and **REJECTED** in all other respects;
- 2. *Pro se* petitioner's Objections to the Report and Recommendation with Attached Arguments and Case Law are **OVERRULED**;
- 3. Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus filed by *pro so* petitioner, Omar McClarin, is **DISMISSED** as time barred; and,

	4.	A certificate of appealability will not issue because reasonable jurists would not
debate	e the pro	priety of this Court's procedural ruling with respect to petitioner's claims. See 28
U.S.C	. § 2253	(c)(2); Slack v. McDaniel, 529 U.S. 473, 484 (2000).

**BY THE COURT:** 

/ s Jan E. DuBois DuBOIS, JAN E., J.