

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

|                                |   |              |
|--------------------------------|---|--------------|
| <b>PERRY BURRIS</b>            | : | CIVIL ACTION |
|                                | : |              |
| v.                             | : | NO. 17-2161  |
|                                | : |              |
| <b>TERESA DALBALSO, et al.</b> | : |              |

**ORDER**

**AND NOW**, this 9<sup>th</sup> day of October 2018, upon careful and independent consideration of the Petition for a writ of *habeas corpus* (ECF Doc. No. 1), the Response to the Petition (ECF Doc. No. 20), United States Magistrate Judge Marilyn Heffley's August 30, 2018 Report and Recommendation (ECF Doc. No. 21), Petitioner's Objections (ECF Doc. No. 24), and for reasons in the accompanying Memorandum, it is **ORDERED**:

1. Judge Heffley's comprehensive August 30, 2018 Report and Recommendation (ECF Doc. No. 21) is **APPROVED** as we **overrule** Petitioner's objections (ECF Doc. No. 24);
2. We **DENY** the Motion for appointment of counsel (ECF Doc. No. 1-5) as moot;
3. We **DENY** and **DISMISS** the Petition for a writ of *habeas corpus* (ECF Doc. No. 1) with prejudice;
4. There is no probable cause to issue a certificate of appealability<sup>1</sup>; and,
5. The Clerk of Court shall **CLOSE** this case.

/s/ Mark A. Kearney  
**KEARNEY, J.**

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<sup>1</sup> *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).