

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

PAUL F. MITCHELL,

Petitioner,

v.

SUPERINTENDENT KEVIN KAUFFMAN,

Respondents.

CIVIL ACTION

NO. 17-3797

ORDER

This 30th day of October, 2017, upon independent consideration of the Petition for Writ of Habeas Corpus, and after review of the Report and Recommendation (“R&R”) of United States Magistrate Judge Henry S. Perkin dated September 25, 2017, and Petitioner’s objections, **IT IS HEREBY ORDERED** that:

1. the R&R is **APPROVED** and **ADOPTED**;
2. the Petition for Writ of Habeas Corpus is **DENIED** without prejudice and **DISMISSED** without an evidentiary hearing; and
3. there is no probable cause to issue a certificate of appealability.

BY THE COURT:

/s/ Gerald Austin McHugh
United States District Court Judge