

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

DONALD STEWART,

Petitioner,

v.

KATHY BRITTAIN *et al.*,

Respondents.

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CIVIL ACTION NO. 18-1779

**ORDER**

**AND NOW** this 9th day of September, 2022, it is hereby **ORDERED** as follows:

1. Petitioner Donald Stewart has filed another Motion for Leave to Proceed In Forma Pauperis (ECF No. 48). As with his prior motions, the current motion is **DENIED AS MOOT** because Petitioner has already paid his filing fee (ECF Nos. 10, 11);
2. Petitioner Donald Stewart’s Petition for Writ of Habeas Corpus is **DENIED** and **DISMISSED WITH PREJUDICE**;
3. The Report and Recommendation of United States Magistrate Judge Richard A. Lloret is **APPROVED** and **ADOPTED**;
4. No certificate of appealability shall issue under 28 U.S.C. § 2253(c)(1)(A) because “the applicant has [not] made a substantial showing of the denial of a constitutional right[,]” nor under 28 U.S.C. § 2253(c)(2), since he has not demonstrated that “reasonable jurists” would find my “assessment of the constitutional claims debatable or wrong.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); see *United States v. Cepero*, 224 F.3d 256, 263-63 (3d Cir. 2000), *abrogated on other grounds* by *Gonzalez v. Thaler*, 565 U.S. 134 (2012); and

5. The Clerk of Court shall mark this file closed.

**BY THE COURT:**

*/s/ Jeffrey L. Schmehl*  
**JEFFREY L. SCHMEHL, J.**