

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

WALLACE T. LEARY,
Petitioner,

v.

JOHN KERESTES, et al.,
Respondents.

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CIVIL ACTION

NO. 10-5541

ORDER

AND NOW, this 9th day of November 2011, after a careful and independent review of the Report and Recommendation (Doc. No. 8), Petitioner's Objections thereto (Doc. No. 15), and the entire record in this case, and for the reasons stated in the Opinion filed this day, it is hereby

ORDERED as follows:

1. The Report and Recommendation is **APPROVED and ADOPTED**;
2. The Petition (Doc. No. 1) is **DENIED**;
3. Petitioner's Objections are **OVERRULED**;
4. A Certificate of Appealability **SHALL NOT** issue; and
5. The Clerk of Court shall **CLOSE** this case.

It is so **ORDERED**.

BY THE COURT:

/s/ **Hon. Cynthia M. Rufe**

HON. CYNTHIA M. RUFÉ