

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

**JASON KOKINDA,**  
Petitioner,

v.

**BRIAN COLEMAN,**  
**KATHLEEN KANE, the Attorney General**  
**of the State of Pennsylvania, and**  
**JAMES B. MARTIN, the District Attorney**  
**of the County of Lehigh,**  
Respondents.

**CIVIL ACTION**

**NO. 13-2202**

**ORDER**

**AND NOW**, this 18th day of June, 2014, upon consideration of Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody filed by *pro se* petitioner, Jason Kokinda, the record in this case, the Report and Recommendation of United States Magistrate Judge Lynne A. Sitarski dated May 30, 2014, Objections to R&R filed by *pro se* petitioner, and the various motions filed by *pro se* petitioner after the Report and Recommendation was filed, and on which Magistrate Judge Sitarski ruled by Order dated June 12, 2014, **IT IS ORDERED** as follows:

1. The Report and Recommendation of United States Magistrate Judge Lynne A. Sitarski dated May 30, 2014, is **APPROVED AND ADOPTED**;
2. The Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody filed by *pro se* petitioner, Jason Kokinda, is **STAYED AND HELD IN ABEYANCE** until petitioner has exhausted his state remedies;
3. *Pro se* petitioner's Objections to R&R are **OVERRULED** on the ground that they address the merits of the case, not the recommendation of Magistrate Judge Sitarski that the

Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody be stayed and held in abeyance until petitioner exhausts his state remedies;

4. The Court **APPROVES AND ADOPTS** Magistrate Judge Sitarski's Order dated June 12, 2014, granting *pro se* petitioner's Petition for Extension of Time to File Traverse and Petition to Enlarge the Traverse Page Limits, and denying *pro se* petitioner's Petition to Hold Immediate Evidentiary Hearing. In doing so, this Court notes that Magistrate Judge Sitarski stated in the June 12, 2014 Order, that she will consider the *habeas* petition, the Commonwealth's response, petitioner's traverse in reply, and all other relevant submissions, when the state court proceedings have been completed and petitioner's state remedies have been exhausted; and,

5. A certificate of appealability will not issue because reasonable jurists would not debate (a) this Court's decision that the petition does not state a valid claim of the denial of a constitutional right, or (b) the propriety of this Court's procedural rulings 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/ **Hon. Jan E. DuBois**

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**DuBOIS, JAN E., J.**