

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

<b>CHRISTOPHER LEE SIRMONS</b>	:	<b>CIVIL ACTION</b>
	:	
v.	:	
	:	<b>NO. 14-6790</b>
<b>DAVID A. DIGUELIELMO, et al</b>	:	

**ORDER**

**AND NOW**, this 30<sup>th</sup> day of October 2017, upon considering Mr. Sirmons's Petition for writ of *habeas corpus* (ECF Doc. No. 1), the Response (ECF Doc. No. 10), Replies (ECF Doc. Nos. 11, 12, 13), a supplemental petition filed in ECF Doc. No. 17-4283 but dismissed and considered as part of this case (No. 17-4283, ECF Doc. No. 3) and available state court records, and after careful and independent study of United States Magistrate Judge David R. Strawbridge's September 28, 2017 Report and Recommendation (ECF Doc. No. 15), it is

**ORDERED:**

1. Judge Strawbridge's extensive well-reasoned Report and Recommendation (ECF Doc. No. 15) is **APPROVED and ADOPTED**;

2. Mr. Sirmons's arguments in his supplemental petition (No. 17-4283) are timely as they relate back to the earlier petition and, for the same reasons fully described by Judge Strawbridge including the failure to present these arguments to the state court in the proper manner and thus procedurally defaulted, these arguments do not separately warrant granting *habeas* relief;

3. Mr. Sirmons's Petition for writ of *habeas corpus* (ECF Doc. No. 1) is **DENIED**;

4. A certificate of appealability **SHALL NOT** issue as Mr. Sirmons has not demonstrated reasonable jurists would debate the correctness of the procedural aspects of this ruling nor has he made a substantial showing of the denial of a constitutional right<sup>1</sup>; and,

5. The Clerk of Court shall **CLOSE** this case.



KEARNEY, J.

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<sup>1</sup> See 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).