

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

OMAR RODRIGUEZ,
Petitioner,

CIVIL ACTION

FILED

v.

AUG 28 2017

COMMONWEALTH OF
PENNSYLVANIA, et al.,
Respondents

No. 16-cv-04947-WB

KATE BARKMAN, Clerk
By _____ Dep. Clerk

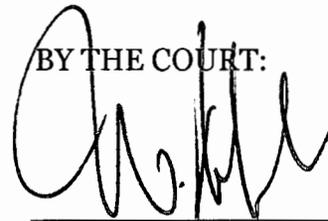
AND NOW this 25th day of August, 2017, upon careful and

independent consideration of Omar Rodriguez’s petition for writ of habeas corpus (Doc. No. 2), the Commonwealth’s response in opposition (Doc. No. 7), and the Report and Recommendation of U.S. Magistrate Judge Richard A. Lloret, it is ORDERED that:

1. The Report and Recommendation of Magistrate Judge Richard A. Lloret is APPROVED and ADOPTED;
2. Rodriguez’s Petition for Writ of Habeas Corpus is DENIED and DISMISSED with prejudice by separate Judgment, filed contemporaneously with this Order. *See* Federal Rule of Civil Procedure 58(a); Rules Governing Section 2254 Cases in the United States District Courts, Rule 12;
3. 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[,]” 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, 262-63 (3d Cir.

2000), *abrogated on other grounds by Gonzalez v. Thaler*, ___ U.S. ___,
132 S. Ct. 641 (2012); and,

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

BY THE COURT:


WENDY BEETLESTONE
U.S. District Judge