BAZZLEY v. HOUSER et al Doc. 14

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

PHILLIP BAZZLEY,

Petitioner, CIVIL ACTION NO. 21-2256

v.

MORRIS HOUSER, Superintendent; THE DISTRICT ATTORNEY OF THE COUNTY OF BERKS; and THE ATTORNEY GENERAL OF THE STATE

OF PENNSYLVANIA,

Respondents.

ORDER

AND NOW, this 28th day of July, 2022, after considering the amended petition for a writ of habeas corpus under 28 U.S.C. § 2254 filed by the petitioner, Phillip Bazzley ("Bazzley") (Doc. No. 4), the state court record, the respondents' response to the habeas petition (Doc. No. 9), the report and recommendations by United States Magistrate Judge Carol Sandra Moore Wells (Doc. No. 11), and Bazzley's timely objections to the report and recommendations (Doc. No. 12); and for the reasons set forth in the separately filed memorandum opinion, it is hereby **ORDERED** as follows:

- The clerk of court shall REMOVE this matter from CIVIL SUSPENSE and 1. **RETURN** it to the undersigned's active docket;
- Bazzley's objections to the report and recommendations (Doc. No. 12) are 2. **OVERRULED**;
- 3. The Honorable Carol Sandra Moore Wells' report and recommendations (Doc. No. 11) is **APPROVED** and **ADOPTED**, except as otherwise set forth in the memorandum opinion;
 - 4. The amended petition for a writ of habeas corpus (Doc. No. 4) is **DENIED**;

5. The court DECLINES to issue a certificate of appealability; a	5.	The court DECL	INES to issue a	a certificate of	appealability; a
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6. The clerk of court shall **MARK** this matter as **CLOSED**.

BY THE COURT:

<u>/s/ Edward G. Smith</u> EDWARD G. SMITH, J.