

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

**JUAN CONCEPCION,** : **Civil No. 1:11-cv-2225**

**Petitioner,** :

**v.** :

**DAVID VARANO,** :

**Respondent.** :

**Judge Sylvia H. Rambo**

**ORDER**

**AND NOW**, this 30<sup>th</sup> day of November, 2017, **IT IS HEREBY ORDERED** as follows:

- 1) The report and recommendation (Doc. 54) of the magistrate judge is **ADOPTED**.
- 2) The remaining grounds three and four in the federal habeas petition (Doc. 1) are **DENIED** and **DISMISSED WITH PREJUDICE**.
- 3) The court declines to issue a certificate of appealability as such would be frivolous and without merit because Concepcion has failed to demonstrate a substantial showing of a denial of a constitutional right.
- 4) The clerk of court shall close this case.

s/Sylvia H. Rambo

SYLVIA H. RAMBO

United States District Judge