

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

<b>JUAN CONCEPCION,</b>	:	<b>Civil No. 1:11-cv-2225</b>
	:	
<b>Petitioner,</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>DAVID VARANO,</b>	:	
	:	
<b>Respondent.</b>	:	<b>Judge Sylvia H. Rambo</b>

**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