

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

TYSHAWN SMITH	:	CIVIL ACTION NO. 1:CV-12-1829
	:	
Petitioner	:	(CHIEF JUDGE KANE)
	:	(Magistrate Judge Carlson)
v.	:	
	:	
COMMONWEALTH OF PENNSYLVANIA	:	
	:	
Respondents	:	

ORDER

Before the Court in the captioned action is a September 13, 2012 report of the Magistrate Judge. No timely objections have been filed.

Accordingly, upon review of the record and the applicable law, **IT IS HEREBY ORDERED THAT:**

- 1) The Court adopts the Report and Recommendation of Magistrate Judge Carlson.
- 2) The Petition for Writ of Habeas Corpus is **DISMISSED**, without prejudice, and a certificate of appealability will not issue.
- 3) The Clerk of Court shall close the file.

s/ Yvette Kane
 YVETTE KANE, Chief Judge
 United States District Court
 Middle District of Pennsylvania

Dated: October 09, 2012