

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

| | | |
|--------------------------------|---|----------------------------|
| DION A. TEMPLE, | : | |
| Petitioner | : | NO. 3:12-CV-2615 |
| | : | |
| v. | : | (JUDGE NEALON) |
| | : | (MAGISTRATE JUDGE BLEWITT) |
| BRIAN COLEMAN, <u>et al.</u> , | : | |
| Respondents | : | |

ORDER

AND NOW, this 6th day of August, 2013, for the reasons set forth in the Memorandum issued this date, **IT IS HEREBY ORDERED THAT:**

1. Magistrate Judge Blewitt’s report and recommendation (Doc. 10) is **ADOPTED**;
2. Petitioner’s petition for writ of habeas corpus (Doc. 1) is **DENIED**: Petitioner’s claims which are based entirely on perceived errors in state law and fail to state cognizable habeas claims are dismissed with prejudice as outlined in the report and recommendation, and Petitioner’s remaining cognizable claims are dismissed without prejudice so that Petitioner can re-file them after he has exhausted his state court remedies;
3. Petitioner’s motion for an extension of time (Doc. 15), motion to appoint counsel (Doc. 12), motion for return of property (Doc. 21), request for hearing (Doc. 22), and motion to expedite (Doc. 24) are **DENIED as moot**;
4. The Clerk of Court is directed to **CLOSE** this case; and
5. There is no basis for the issuance of a certificate of appealability.



United States District Judge

**FILED
SCRANTON**

AUG 6 2013

PER 
DEPUTY CLERK