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

ANGEL AYALA OTERO,

Petitioner,

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CIVIL ACTION NO. 3:15-CV-01324

(JUDGE CAPUTO) (MAGISTRATE JUDGE SCHWAB)

BRENDA TRITT,

Respondent.

<u>ORDER</u>

NOW, this 13th day of March, 2018, upon consideration of Petitioner Angel Ayala Otero's Petition for a Writ of Habeas Corpus filed pursuant to 28 U.S.C. §2254(d) (*Doc*. 1), the Report and Recommendation ("R&R") of Magistrate Judge Schwab (*Doc*. 32), and Petitioner's objections to the R&R (*Doc*. 38) **IT IS HEREBY ORDERED** that:

- (1) The R&R of Magistrate Judge Schwab is **APPROVED** and **ADOPTED**.
 - Petitioner Angel Ayala Otero's Petition for a Writ of Habeas Corpus is **DENIED**.
- (2) Since Petitioner Angel Ayala Otero has failed to make "a substantial showing of the denial of a constitutional right," a certificate of appealability SHALL NOT issue.
- (3) The Clerk of Court is directed to **CLOSE** this case.

/s/ A. Richard Caputo

A. Richard Caputo United States District Judge