

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

TERRY KUEHNER,	:	
	:	
Petitioner	:	CIVIL ACTION NO. 3:16-1576
	:	
v.	:	(Judge Mannion)
	:	
COMM. OF PENNSYLVANIA,	:	
	:	
Respondent	:	

ORDER

For the reasons set forth in the Memorandum of this date, **IT IS**

HEREBY ORDERED THAT:

1. The petition for writ of habeas corpus, (Doc. [1](#)) is **DISMISSED** without prejudice to any right Petitioner may have to reassert his instant claims in a properly filed civil rights action.
2. The Clerk of Court shall **CLOSE** this case.
3. There is no probable cause to issue a certificate of appealability.¹

s/ Malachy E. Mannion

MALACHY E. MANNION
United States District Judge

Dated: October 17, 2016

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¹Jurists of reason would not debate the procedural or substantive disposition of the Petitioner's claims. See [Slack v. McDaniel, 529 U.S. 473, 484 \(2000\)](#). Therefore, no certificate of appealability will be granted. See *id.*