

**UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF PENNSYLVANIA**

**BURCH,**

**Petitioner,**

**v.**

**KERESTES, ET AL.,**

**Respondents.**

**Civil Action No. 15-94 Erie**

**ORDER ADOPTING THE REPORT AND  
RECOMMENDATION**

The Magistrate Judge issued a Report and Recommendation in this matter (Dkt. No. 24), recommending that Respondents' Motion to Dismiss be granted, that each of Petitioner's claims be dismissed with prejudice, and that a certificate of appealability be denied. After reviewing the Report and Recommendation, the record, and all other materials before the Court, and no objection being filed, it is hereby ordered that:

- (1) The Report and Recommendation is ADOPTED;
- (2) Respondents' Motion to Dismiss (Dkt. No. 17) is GRANTED, the Petition for Writ of Habeas Corpus is DISMISSED with PREJUDICE, and a Certificate of Appealability is DENIED; and
- (3) The Clerk of the Court shall send copies of this Order to Petitioner.

**IT IS SO ORDERED.**

DATED this 15th day of February, 2017.



---

BARBARA J. ROTHSTEIN  
UNITED STATES DISTRICT JUDGE