

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

LAVON CECIL SMITH, EZ-5402,)	
Petitioner,)	
)	
v.)	2:15-cv-1449
)	
MS. KATHLEEN KANE, et al.,)	
Respondents.)	

ORDER

AND NOW, this 7th day of December, 2015, after the petitioner, Lavon Cecil Smith, filed a petition for a writ of habeas corpus, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties a period of time after being served with a copy to file written objections thereto, Petitioner's objections (ECF No. 5) having been considered and rejected as meritless, and upon independent review of the petition and the record and upon consideration of the Magistrate Judge's Report and Recommendation (ECF No. 4), which is adopted as the opinion of this Court,

IT IS ORDERED that the petition for a writ of habeas corpus filed by petitioner (ECF No. 3) is dismissed and, because reasonable jurists could not conclude that a basis for appeal exists, a certificate of appealability is denied.

IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure if the petitioner desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.

Marcia A. Cobelli, Jr.

United States District Judge

cc: LAVON CECIL SMITH
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