

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

JULIO CHRISTIAN	:	
Petitioner,	:	CIVIL ACTION
	:	
v.	:	
	:	
COMMONWEALTH OF PA, et al.	:	NO. 05-5277
Respondents.	:	

**Baylson, J.**

**March 22 , 2006**

**MEMORANDUM AND ORDER**

Petitioner Julio Christian (“Petitioner”) filed a pro se Petition for Writ of Habeas Corpus in this Court pursuant to 28 U.S.C. § 2254 on September 23, 2005. This Court referred the case to Magistrate Judge Linda K. Caracappa (“the Magistrate Judge”) on October 21, 2005. On February 28, 2006, the Magistrate Judge issued a Report and Recommendation (“R&R”) (Doc. No. 9) suggesting that this Court deny and dismiss the petition. The Magistrate Judge based this recommendation on well-reasoned conclusions that (1) Petitioner has failed to exhaust state remedies, a prerequisite to seeking habeas relief in federal court, and (2) because the Parole Board provided Petitioner with due process, Petitioner cannot be said to have been deprived of any constitutionally-protected rights. Petitioner has filed no documents in response and has therefore made no timely objection to the R&R.

AND NOW, this        day of March, 2006, upon careful and independent consideration of the pleadings and the record herein, and after review of the R&R, it is hereby ORDERED, for the reasons stated by Magistrate Judge Caracappa, that

1.     The Report and Recommendation is APPROVED AND ADOPTED.

2. The Petition for Writ of Habeas Corpus is DENIED AND DISMISSED without prejudice.
3. The Clerk shall close this case.
4. A certificate of appealability is DENIED.

BY THE COURT:

---

Michael M. Baylson, U.S.D.J.