


with Petitioner's motions for summary judgment (Docs. ## 24, 33, 34, 35, 36).
The Petition for a Writ of Habeas Corpus (Doc. #2) is dismissed with prejudice.

Given that Petitioner has not made a substantial showing of the denial of a constitutional right and, further, that the Court's decision herein would not be debatable among reasonable jurists, and because any appeal from this Court's decision would be objectively frivolous, Petitioner is denied a certificate of appealability and denied leave to appeal *in forma pauperis*.

Judgment will be entered in favor of Respondent and against Petitioner.

The captioned case is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

Date: March 6, 2013



WALTER H. RICE
UNITED STATES DISTRICT JUDGE