

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

ROGER HOWARD LINDSAY,

:
:

Petitioner,

:

vs.

CIVIL ACTION 06-0064-CG-B

:

GWENDOLYN MOSELY,

:

Respondent.

:

ORDER

After due and proper consideration of all portions of this file deemed relevant to Roger Howard Lindsay's motion for certificate of appealability (Doc. 37), the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(3) is **ADOPTED** as the opinion of this court. It is **CERTIFIED** that this appeal is not taken in good faith in that reasonable jurists could not debate whether Lindsay's habeas petition should have been resolved in a different manner. Therefore, petitioner's motion for certificate of appealability (Doc. 37) is hereby **DENIED**.

DONE and ORDERED this 30th day of April, 2009.

/s/ Callie V. S. Granade

CHIEF UNITED STATES DISTRICT JUDGE