

**SEP 19 2013**

AT COVINGTON  
ROBERT R. CARR  
CLERK U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
NORTHERN DIVISION AT ASHLAND

CIVIL ACTION NO. 2013-81- WOB

GRANT LAMBERT

PETITIONER

VS.

ORDER

TERRY ELDER, JAILER

RESPONDENT

This matter is before the Court on the Report and Recommendation (Doc. 17) of the Magistrate Judge, and petitioner having filed no objections thereto, and the Court being sufficiently advised,

**IT IS ORDERED** that the Report and Recommendation be, and it hereby is, **adopted** as the findings of fact and conclusions of law of this Court; that the petition for writ of habeas corpus be, and it hereby is, **denied**; that this matter be **dismissed**, without prejudice, and **stricken** from the docket of this court. A separate Judgment shall enter concurrently herewith.

**IT IS FURTHER ORDERED** that, in light of the reasons stated in the Report and Recommendation of the Magistrate Judge, there would be no arguable merit for an appeal in this matter and, therefore, an appeal would not be taken in "good faith" within the meaning of Section 1915(a), and no

Certificate of Appealability shall issue herein and  
petitioner should therefore not be permitted to proceed *in*  
*forma pauperis*.

This 19th day of September, 2013.



**Signed By:**

**William O. Bertelsman** *WOB*

**United States District Judge**