

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE
CIVIL ACTION NO. 3:08-CVP-363-H

THOMAS E. STEWART

PETITIONER

v.

JOHN MOTLEY, WARDEN

RESPONDENT

ORDER

This matter is before the Court after preliminary review of Thomas E. Stewart's pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254. For reasons set forth in a Memorandum Opinion entered this date,


IT IS HEREBY ORDERED that the petition is **DISMISSED with prejudice** as time-barred under 28 U.S.C. § 2244.

IT IS FURTHER ORDERED that for reasons stated in the Memorandum Opinion, a Certificate of Appealability is **DENIED**.

This is a final order with no just reason for delay in its entry.

The Court further certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal of this action would not be taken in good faith.

DATE: July 28, 2009


John G. Heyburn II, Judge
United States District Court

cc: Petitioner, *pro se*
Respondent
Attorney General, Commonwealth of Kentucky

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