UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO EASTERN DIVISION

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TONY RANDALL MCKINNEY,

Petitioner,

vs.

MICHELE EBERLIN, WARDEN

Respondent.

CASE NO. 1:06 CV 3019 JUDGE DAN AARON POLSTER <u>JUDGMENT ENTRY</u>

For the reasons stated in the Memorandum of Opinion and Order filed

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contemporaneously with this Judgment Entry, and pursuant to Federal Rule of Civil Procedure 58,

it is hereby ORDERED, ADJUDGED AND DECREED that the above-captioned case is hereby

terminated and dismissed as final.

Furthermore, pursuant to 28 U.S.C. §2253(c) and Fed. R. App. P. 22(b), there is no basis upon which to issue a certificate of appealability. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

<u>/s/Dan Aaron Polster June 5, 2008</u> Dan Aaron Polster United States District Judge