

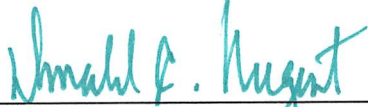
**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>JOHN LOUIS TURNER,</b>	)	<b>CASE NO. 1:17 CV 1070</b>
	)	
<b>Petitioner,</b>	)	<b>JUDGE DONALD C. NUGENT</b>
	)	
<b>v.</b>	)	
	)	<b><u>MEMORANDUM OF OPINION</u></b>
<b>WARDEN CLARK SCOTT,</b>	)	
	)	
<b>Respondent.</b>	)	

Petitioner's Petition for Civil Constitutional Tort or Shortened Contort (ECF No. 42) is before the Court. His Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2254 was denied on March 22, 2019. The Sixth Circuit Court of Appeals dismissed his appeal on August 2, 2019 (ECF No. 46) and denied his Petition for Rehearing on September 10, 2019 (ECF No. 47). This current filing seeks relief under 42 U.S.C. § 1983 as a post judgment Motion in a habeas action. There is no legal basis to support granting this relief. If Petitioner believes he has viable legal claims under 42 U.S.C. § 1983, he must raise them in a separate legal action and he must pay the filing fee for a civil rights action. He cannot file it within a Habeas Corpus Petition.

The Petition for Civil Constitutional Tort or Shortened Contort (ECF No. 42) is denied. 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, and there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253; Fed.R.App.P. 22(b).

IT IS SO ORDERED.

  
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DONALD C. NUGENT  
UNITED STATES DISTRICT JUDGE

Dated: September 23, 2019