

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF OHIO

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DANNY STARNER,	:	CASE NO. 3:15-CV-1841
	:	
Petitioner,	:	
	:	
vs.	:	ORDER
	:	
CHARLOTTE JENKINS, Warden,	:	
	:	
Respondent.	:	
	:	

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JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

In 2008, a jury convicted Petitioner Danny Starner on eight counts of gross sexual imposition and fourteen counts of rape of a child under the age of thirteen.<sup>1</sup> The trial court sentenced Starner to thirty years to life in prison.<sup>2</sup> On August 4, 2016, this Court issued its opinion on the merits of Starner’s petition for a writ of habeas corpus.<sup>3</sup> For the reasons set forth in that opinion, the Court **DENIED** Starner’s petition and **TERMINATED** this action under [Federal Rule of Civil Procedure 58](#).<sup>4</sup>

On September 1, 2016, Starner filed a notice of appeal of that order to the United States Court of Appeals for the Sixth Circuit.<sup>5</sup> On December 6, 2016, the Sixth Circuit held Starner’s appeal in abeyance so that this Court may consider whether to grant Starner a certificate of appealability.<sup>6</sup>

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<sup>1</sup> Doc. 7-1 at 19.  
<sup>2</sup> Id. at 20-21.  
<sup>3</sup> Doc. [24](#).  
<sup>4</sup> Doc. [25](#).  
<sup>5</sup> Doc. [26](#).  
<sup>6</sup> Doc. [29](#).

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A certificate of appealability may issue only if this Court's conclusion is "debatable among jurists of reason; that a court could resolve the issue[] in a different manner; [and] that the question [is] adequate to deserve encouragement to proceed further."<sup>7</sup>

No such conditions exist here. Therefore, this Court **DECLINES** to grant Starner a certificate of appealability.

IT IS SO ORDERED.

Dated: December 7, 2016

s/ James S. Gwin  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE

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<sup>7</sup> [Barefoot v. Estelle](#), 463 U.S. 880 (1983); see also 28 U.S.C. § 2253(c)(2).