

UNITED STATES DISTRICT COURT

SOUTHERN

DISTRICT OF

OHIO

KEVAN TURNER,

Petitioner,

V.

WARDEN, NOBLE CORRECTIONAL
INSTITUTION,

Respondent.

JUDGMENT IN A CIVIL CASE

Case Number: 1:08-cv-00309

Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

...the Court ADOPTS and AFFIRMS the Magistrate Judge's Report and Recommendation in all respects (doc. 13), DENIES AS MOOT Petitioner's Motion "For Stay of Proceedings Pending Appeal Presently before the Ohio Supreme Court" (doc. 9), DENIES Respondent's Motion to Dismiss the Petition on the ground that Petitioner has failed to exhaust an available state remedy (doc. 11), and DISMISSES with prejudice Petitioner's petition for a writ of habeas pursuant to 28 U.S.C. § 2254 (doc. 4), as well as Petitioner's fifth ground for relief asserted in his "traverse" in reply to Respondent's Motion to Dismiss (doc. 12). The Court further DECLINES to issue a certificate of appealability as to any of Petitioner's claims and certifies that appeal of this Order would not be taken in "good faith," thereby DENYING Petitioner leave to appeal in forma pauperis.

3/31/2009

Date

JAMES BONINI, CLERK

Clerk

s/Kevin Moser

(By) Deputy Clerk