

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JERRY R. ROSE,
Petitioner,

vs.

WARDEN, CHILLICOTHE
CORRECTIONAL INSTITUTION,
Respondent.

Case No. 1:15-cv-353

Black, J.
Bowman, M.J.

ORDER


This matter is before the Court on petitioner's motion for a certificate of appealability and motion for leave to proceed on appeal *in forma pauperis*. (Docs. 54, 56).

On September 24, 2018, a final Order and Judgment were entered in this case adopting the United States Magistrate Judge's Report and Recommendation to deny the petition for a writ of habeas corpus brought pursuant to 28 U.S.C. § 2254. (*See* Docs. 50, 51). In the final Order, the Court denied a certificate of appealability, certified pursuant to 28 U.S.C. § 1915(a)(3) that an appeal would not be taken in "good faith," and denied petitioner leave to proceed on appeal *in forma pauperis* upon a showing of financial necessity. (*See* Doc. 50). For the reasons previously given by the Court in the final Order, petitioner's motions (Docs. 54, 56) are **DENIED**. Petitioner remains free, however, to request *in forma pauperis* status on appeal and the issuance of a certificate of appealability from the United States Court of Appeals for the Sixth Circuit.

IT IS SO ORDERED.

Date: _____

11/15/18



Timothy S. Black
United States District Judge