

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

BRIAN D. HENLEY,

:

Plaintiff(s),

Case No. 3:07-CV-0031

-vs-

:

JUDGE WALTER HERBERT RICE

ERNIE MOORE, WARDEN
LEBANON CORRECTIONAL
INSTITUTION,

:

Defendant(s).

JUDGMENT IN A CIVIL CASE

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.

X 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: that Petitioner Brian D. Henley take nothing and that Judgment be and hereby is entered in favor of Respondent Warden, Lebanon Correctional Institution and against Petitioner. Petitioner's Petition for Writ of Habeas Corpus is **DISMISSED WITH PREJUDICE**. Petitioner's anticipated Request to Appeal In Forma Pauperis is **GRANTED** and for Certificate of Appealability is **ISSUED IN LIMITED FASHION**.

Date: February 5, 2008

James Bonini, Clerk

By : s/ S. COATS
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

BRIAN D. HENLEY
Plaintiff

vs

:

Case Number: 3:07-CV-0031

:

ERNIE MOORE, WARDEN LEBANON CORRECTIONAL INSTITUTION

Defendant

NOTICE OF DISPOSAL PER SOUTHERN DISTRICT OF OHIO LOCAL RULES
79.(a)(b) AND 79.3(e)

The above captioned matter has been terminated on 2/5/2008.

If applicable to this case, the disposal date will be six (6) months from the above termination date

Rule 79.2(a) Withdrawal by Counsel:

All models, diagrams, depositions, photographs, x-rays and other exhibits and materials filed in an action or offered in evidence shall not be considered part of the pleadings in the action, and unless otherwise ordered by the Court, shall be withdrawn by counsel without further Order within six (6) months after final termination of the action.

Rule 79.2 (b) Disposal by the Clerk

All models, diagrams, depositions, x-rays and other exhibits and materials not withdrawn by counsel shall be disposed of by the Clerk as waste at the expiration of the withdrawal period.

Rule 79.3 (e)

Sealed or confidential documents shall be disposed of in accordance with Rule 79.2.

JAMES BONINI, CLERK

By : s/ S. COATS
Deputy Clerk