

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

DALE DRISCOLL,

Petitioner,

vs.

WARDEN, LEBANON CORRECTIONAL  
INSTITUTION,

Respondent.

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Case No. 3:10cv336

Court of Appeals No. 12-3489

JUDGE WALTER HERBERT RICE

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DECISION AND ENTRY REAFFIRMING COURT'S DECISION NOT TO  
GRANT CERTIFICATE OF APPEALABILITY AND REQUEST TO  
APPEAL *IN FORMA PAUPERIS*

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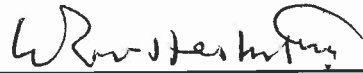
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On March 28, 2012, this Court filed a Decision and Entry in the captioned cause (attached) in which, while dismissing Petitioner's Petition for Writ of Habeas Corpus as procedurally defaulted and upon the merits, set forth the following language:

"Given that Petitioner has failed to make a substantial showing of the denial of a federal constitutional right and that this Court's decision rendered herein would not be debatable among jurists of reason, this Court denies petitioner a certificate of appealability. Further, given that any appeal from this Court's decision would be objectively frivolous, this court denies an anticipated request to appeal *in forma pauperis*."

It is the purpose of this opinion to affirm, by separate order, this Court's Decision of March 28, 2012, denying Petitioner both a certificate of appealability and any anticipated request to appeal *in forma pauperis*.

August 13, 2012



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WALTER HERBERT RICE  
UNITED STATES DISTRICT JUDGE

Copies to:

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