

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

ANTHONY BOLLING,	:	
Petitioner,	:	Case No. 3:13-cv-116
v.	:	JUDGE WALTER H. RICE
DONALD MORGAN, WARDEN,	:	
Respondent.	:	

DECISION AND ENTRY ADOPTING UNITED STATES MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATIONS (DOC. #16);
OVERRULING PETITIONER'S OBJECTIONS THERETO (DOC. #17);
OVERRULING PETITIONER'S MOTION FOR RELIEF FROM JUDGMENT
OR ORDER (DOC. #15); JUDGMENT TO BE ENTERED
ACCORDINGLY; CERTIFICATE OF APPEALABILITY AND LEAVE TO
APPEAL *IN FORMA PAUPERIS* DENIED; CASE TO REMAIN
TERMINATED

Based on the reasoning and citations of authority set forth by United States Magistrate Judge Michael R. Merz, in his April 22, 2014, Report and Recommendations (Doc. #16), as well as upon a thorough *de novo* review of this Court's file and the applicable law, this Court ADOPTS said judicial filing in its entirety, and OVERRULES Petitioner's objections thereto (Doc. #17).

Petitioner's Motion for Relief from Judgment or Order (Doc. #15) is OVERRULED. Judgment is to be entered accordingly in favor of Respondent and against Petitioner.

Given that Petitioner has not made a substantial showing of the denial of a constitutional right and, further, that the Court's decision herein would not be debatable among reasonable jurists, and because any appeal from this Court's decision would be objectively frivolous, Petitioner is denied a certificate of appealability and permission to appeal *in forma pauperis*.

The captioned case shall remain terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

Date: May 14, 2014



WALTER H. RICE
UNITED STATES DISTRICT JUDGE