

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

CHI Q. DU,	:	
Petitioner,		
v.	:	Case No. 3:13-cv-121
ERNIE MOORE, Warden, Lebanon Correctional Institution,	:	JUDGE WALTER H. RICE
Respondent.	:	

DECISION AND ENTRY ADOPTING UNITED STATES MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS (DOC. #3) AND SUPPLEMENTAL REPORT AND RECOMMENDATIONS (DOC. #6); OVERRULING PETITIONER'S OBJECTIONS TO THOSE JUDICIAL FILINGS (DOCS. ## 4 and 7); DISMISSING PETITION FOR WRIT OF HABEAS CORPUS (DOC. #1) WITH PREJUDICE; DENYING CERTIFICATE OF APPEALABILITY AND ANTICIPATED MOTION FOR LEAVE TO APPEAL *IN FORMA PAUPERIS*; JUDGMENT TO ENTER IN FAVOR OF RESPONDENT AND AGAINST PETITIONER; TERMINATION ENTRY

Based on the reasoning and citations of authority set forth by United States Magistrate Judge Michael R. Merz, in his April 22, 2013, Report and Recommendations (Doc. #3), and in his June 17, 2013, Supplemental Report and Recommendations (Doc. #6), as well as upon a thorough *de novo* review of this Court's file and the applicable law, this Court ADOPTS said judicial filings in their entirety, and OVERRULES Petitioner's objections thereto (Docs. ##4 and 7). The Petition for a Writ of Habeas Corpus (Doc. #1) is DISMISSED WITH PREJUDICE upon its merits.

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, Petitioner is denied a certificate of appealability. Given that any appeal from this Court's decision would be objectively frivolous, Petitioner is denied leave to appeal *in forma pauperis*.

Judgment will be entered in favor of Respondent and against Petitioner.

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

Date: August 23, 2013



WALTER H. RICE
UNITED STATES DISTRICT JUDGE