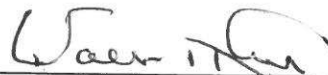


#52. To the extent that Petitioner objects to having to raise any substantive objections to the judgment in the context of a motion brought under Federal Rule of Civil Procedure 59(e), that argument is rejected for the reasons set forth by Magistrate Judge Merz in the February 13, 2018, Report and Recommendations, Doc. #56, PageID#1023.

The bottom line is that any appeal of this Court's December 18, 2017, Decision and Entry, Doc. #52, would be futile because the Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus was extremely untimely, and there is no basis for equitable tolling. Petitioner has not argued otherwise.

Accordingly, Petitioner's Application for Certificate of Appealability, Doc. #55, is OVERRULED. The above-captioned case shall remain terminated on the Court's docket.

Date: March 8, 2018



WALTER H. RICE
UNITED STATES DISTRICT JUDGE