

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT GREENEVILLE**

DAVID HEARING,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 2:18-CV-00094-RLJ-CRW
	)	
GRADY PERRY <sup>1</sup> ,	)	
	)	
Respondent.	)	

**ORDER**

In accordance with the accompanying memorandum opinion, Petitioner’s pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 [Doc. 25-1] is **DENIED**, and this action is **DISMISSED**.

Additionally, as the Court now denies Petitioner’s §2254 petition, his motion for summary judgment [Doc. 52] is **DENIED AS MOOT**. Likewise, Petitioner’s motion for discovery [Doc. 59] and motion to set a date for a summary judgment hearing [Doc. 60] are **DENIED AS MOOT**. Finally, Petitioner’s motions for judicial notice [Docs. 65, 66] are also **DENIED AS MOOT**.

For the reasons set forth in the accompanying memorandum opinion, a COA will **NOT ISSUE**. Therefore, Petitioner is **DENIED** leave to proceed *in forma pauperis* on any subsequent appeal. 28 U.S.C. § 2253; Rule 22(b) of the Federal Rules of Appellate Procedure.

---

<sup>1</sup> Although Petitioner names Cherry Lindamood as the Respondent, Grady Perry is the current warden of South Central Correctional Center, where Petitioner is confined, and is thus the proper Respondent.

The Clerk is **DIRECTED** to close the civil file.

**IT IS SO ORDERED.**

ENTER:

s/ Leon Jordan  
United States District Judge

ENTERED AS A JUDGMENT  
s/ LeAnna R. Wilson  
CLERK OF COURT