

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

ROBERT M. LINDER,	)	
	)	
Petitioner,	)	
v.	)	3:10-cv-437
	)	<i>Phillips</i>
	)	
DAVID OSBORNE, Warden,	)	
	)	
Respondent.	)	

**JUDGMENT ORDER**

In accordance with the accompanying Memorandum, petitioner's motion for summary judgment is **DENIED**, the petition for the writ of habeas corpus is **DENIED** and this action is **DISMISSED**. All other pending motions are **DENIED** as **MOOT**. Should the petitioner give timely notice of an appeal from this decision, such notice will be treated as an application for a certificate of appealability, which under the circumstances is hereby **DENIED**. The court **CERTIFIES** that any appeal from this action would not be taken in good faith and would be totally frivolous. The court further **DENIES** the petitioner leave to proceed *in forma pauperis* on appeal.

**ENTER:**

          s/ Thomas W. Phillips            
United States District Judge

ENTERED AS A JUDGMENT  
          s/ Debra C. Poplin            
CLERK OF COURT