D'Antonio v. Carpenter et al Doc. 44

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

RICHARD FRANK D'ANTONIO,	)	
	)	
Petitioner,	)	
	)	
v.	)	**Case No. 3:13-cv-0355**
	)	
WAYNE CARPENTER,	)	**Judge Sharp**
	)	
Respondent.	)	

ORDER

Petitioner Richard Frank D'Antonio, a prisoner in state custody, has filed a petition and amended petition for the writ of habeas corpus under 28 U.S.C. § 2254 (ECF Nos. 1 and 20), challenging his 2003 conviction in the Davidson County Criminal Court. The respondent filed an answer to the petition (ECF No. 23), along with a complete copy of the underlying state-court record. After being granted leave to do so, the petitioner filed a reply brief (ECF No. 36). Thereafter, the Court directed both parties to supplement their pleadings in light of the Sixth Circuit's decision in *Sutton v. Carpenter*, 745 F.3d 787 (6th Cir. March 19, 2014), *cert. denied*, 134 S. Ct. 1889 (April 21, 2014). (*See* ECF Nos. 40, 42.) The petition is ripe for review, and this Court has jurisdiction. 28 U.S.C. § 2241(d).

For the reasons explained in the accompanying Memorandum Opinion, the Court finds that D'Antonio is not entitled to relief on the basis of the grounds articulated in his petition. Accordingly, the petition is hereby **DENIED** and this matter is **DISMISSED**.

In addition, as also explained in the Memorandum Opinion, the Court finds that an appeal by the petitioner on any of the issues raised in this petition would not merit further attention. The Court therefore **DENIES** a COA. The petitioner may, however, seek a COA directly from the Sixth Circuit Court of Appeals.

It is so **ORDERED**.

The Clerk is directed to enter final judgment in accordance with Rule 58 of the Federal Rule of Civil Procedure.

Kevin H. Sharp

Kevin H. Sharp
United States District Judge

Dockets.Justia.com