UNITED STATES DISTRICT JUDGE
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

JOHN S. GRABER,	)	**CASE NO. 4:04CV1314**
	)	
Petitioner,	)	
	)	
vs.	)	**Judge John M. Manos**
	)	
DAVID BOBBY,	)	
	)	
Respondent.	)	**ORDER**

Pursuant to the Memorandum of Opinion issued in the Case No. 4:04CV1314, Docket No. 20, John S. Graber's petition for a writ of habeas corpus is **DENIED**. The Court certifies that an appeal cannot be taken in good faith because Petitioner has not made a substantial showing of the denial of a constitutional right. See Federal Rule of Appellate Procedure 22(b); 28 U.S.C. § 2253(c). The Court also certifies that a motion to proceed *in forma pauperis* on appeal cannot be well taken. See 28 U.S.C. § 1915(a)(3).

IT IS SO ORDERED.

Date: February 9, 2006

/s/ John M. Manos
UNITED STATES DISTRICT JUDGE

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO