

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

ANTHONY CIOFFI,

Petitioner,

vs.

DAVID BOBBY, WARDEN,

Respondent.

CASE NO. 4:04-CV-1837

ORDER

[Resolving Doc. Nos. 1, 11]

Pending before the Court are Petitioner Anthony Cioffi's Petition for a Writ of Habeas Corpus [Doc. 1], and Respondent David Bobby's Motion to Dismiss [Doc. 11]. Magistrate Judge George J. Limbert issued a Report and Recommendation recommending that this Court deny Petitioner Cioffi's Petition and grant Respondent Bobby's Motion to Dismiss [Doc. 12], to which the petitioner has objected [Docs. 13, 15]. For the reasons discussed in the accompanying Memorandum, the Court adopts the Magistrate Judge's Report and Recommendation. Petitioner Cioffi's Petition for a Writ of Habeas Corpus is DENIED and Respondent's Motion to Dismiss is GRANTED.

Further, this Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253; Fed. R. App. P. 22(b).

