

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO**

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ANTHONY CIOFFI,

Petitioner,

vs.

DAVID BOBBY, WARDEN,

Respondent.

CASE NO. 4:04-CV-1837

ORDER

[Resolving Doc. No. 19]

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**JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:**

Before the Court is Petitioner Anthony Cioffi's motion to amend or alter judgment, or in the alternative for a certificate of appealability [Doc. 19], to which Respondent David Bobby has responded. [Doc. 20]. For the reasons discussed in the accompanying Opinion and Memorandum, the Court DENIES the petitioner's motion. Further, the 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(c); Fed. R. App. P. 22(b).

**IT IS SO ORDERED.**

Dated: April 7, 2005

*sl/ James S. Gwin*  
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JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE