

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

**FILED**

JAN 18 2006

LEONARD GREEN, Clerk

ANTHONY CIOFFI, JR.,  
Petitioner-Appellant,

v.

DAVID BOBBY, Warden,  
Respondent-Appellee.

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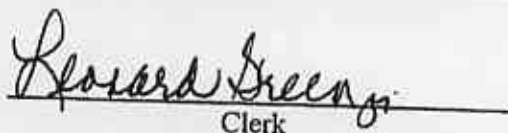
**ORDER**

Anthony Cioffi, Jr., an Ohio prisoner proceeding through counsel, appeals the district court order dismissing as untimely his petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. The receipt of the notice of appeal has been construed as an application for a certificate of appealability. *See Fed. R. App. P. 22(b)(2).*

Pursuant to the one-year statute of limitations contained in the Antiterrorism and Effective Death Penalty Act of 1996, Cioffi's petition was time barred after January 19, 1998. Cioffi filed his petition on September 10, 2004. Accordingly, Cioffi's application lacks merit because the district court's procedural ruling that his petition was barred by the statute of limitations is not debatable among jurists of reason. *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000). In addition, Cioffi has not shown adequate grounds for equitable tolling.

The application for a certificate of appealability is denied.

ENTERED BY ORDER OF THE COURT

  
Clerk