

**NOT RECOMMENDED FOR FULL-TEXT PUBLICATION**

File Name: 12a0617n.06

No. 11-3867

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT



|                        |   |                           |
|------------------------|---|---------------------------|
| TYRONE R. JOHNSON,     | ) |                           |
|                        | ) |                           |
| Petitioner-Appellant,  | ) | ON APPEAL FROM THE UNITED |
|                        | ) | STATES DISTRICT COURT FOR |
| v.                     | ) | THE NORTHERN DISTRICT OF  |
|                        | ) | OHIO                      |
| PHILLIP KERNS, Warden, | ) |                           |
|                        | ) |                           |
| Respondent-Appellee.   | ) |                           |

Before: MARTIN and CLAY, Circuit Judges; HOOD, District Judge.\*

**PER CURIAM.** Tyrone R. Johnson, an Ohio prisoner proceeding *pro se*, moves this Court for a rehearing of its March 29, 2012 order denying his application for a certificate of appealability. The application for a certificate of appealability arose from the district court's order denying Johnson's petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254.

Upon review, we conclude that the Court did not act under any misapprehension of law or fact in denying Johnson's application for a certificate of appealability. *See* Fed. R. App. P. 40(a). Accordingly, the motion for rehearing is denied.

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\*The Honorable Joseph M. Hood, United States District Judge for the Eastern District of Kentucky, sitting by designation.