

January 14, 2009

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

RODERICK WALKER, a/k/a “Rudd”,

Defendant-Appellant.

No. 08-5125

(D.C. Nos. 07-CV-00551-CVE-FHM
and 04-CR-00099-CVE-1)

(N.D. Okla.)

ORDER DENYING CERTIFICATE OF APPEALABILITY*

Before **O’BRIEN, EBEL, and GORSUCH**, Circuit Judges.

We must decide whether to grant a Certificate of Appealability (“COA”) to Roderick Walker, a federal prisoner, in order to permit his appeal from the district court’s denial of his motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. A COA will not issue unless the applicant makes a “substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). Under this standard, Mr. Walker must demonstrate that “reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were

* This order is not binding precedent except under the doctrines of law of the case, res judicata and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

adequate to deserve encouragement to proceed further.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (quotations omitted). Our inquiry does not require a “full consideration of the factual or legal bases adduced in support of [the applicant’s] claims,” but, rather, “an overview of the claims . . . and a general assessment of their merits.” *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003).

Mr. Walker is a *pro se* litigant, so we construe his pleadings and other papers with solicitude. *Van Deelen v. Johnson*, 497 F.3d 1151, 1153 n.1 (10th Cir. 2007). Before the district court, he raised some eighteen separate claims of ineffective assistance on the part of both his trial and appellate lawyers.¹ In an exhaustive and thoughtful thirty-six page opinion, the district court rejected each of Mr. Walker’s constitutional claims. After reviewing the record, we conclude no reasonable jurist could doubt the correctness of the district court’s disposition. Accordingly, and for substantially the same reasons given by the district court, we deny Mr. Walker’s application for a COA. The appeal is dismissed.

ENTERED FOR THE COURT

Neil M. Gorsuch
Circuit Judge

¹ Mr. Walker also seeks to raise new claims before us, but we will not entertain arguments not presented to the district court in the first instance. *Dockins v. Hines*, 374 F.3d 935, 940 (10th Cir. 2004).