

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA

**FILED**

JUN 13 2013

TUCKER MENDENHALL, )  
)  
Petitioner, )  
)  
v. )  
)  
DAVID PARKER, Warden, )  
)  
Respondent. )

PATRICK KEANEY  
Clerk, U.S. District Court  
By \_\_\_\_\_  
Deputy Clerk


Case No. CIV 12-050-RAW-KEW

**OPINION AND ORDER**  
**DENYING CERTIFICATE OF APPEALABILITY**

The court dismissed petitioner's petition for a writ of habeas corpus without prejudice for his failure to comply with the court's order to advise the court of his intentions for proceeding with this mixed petition. After careful review of the record, the court concludes petitioner has not shown "at least, that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether [this] court was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). See also 28 U.S.C. § 2253(c).

**ACCORDINGLY**, petitioner is denied a certificate of appealability. See Rule 11(a) of the Rules Governing Section 2254 Cases.

**IT IS SO ORDERED** this 13<sup>th</sup> day of June 2013.

  
\_\_\_\_\_  
**RONALD A. WHITE**  
**UNITED STATES DISTRICT JUDGE**