

**UNITED STATES COURT OF APPEALS**  
**TENTH CIRCUIT**

**October 17, 2006**

**Elisabeth A. Shumaker**  
**Clerk of Court**

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RICKY LAVINE WILLIAMS,  
Petitioner-Appellant,

v.

DICK SMELSER, Warden of  
C.C.C.F.; and THE ATTORNEY  
GENERAL OF THE STATE OF  
COLORADO,

Respondents-Appellees.

No. 06-1126

(D.C. No. 05-cv-2402-ZLW)

(D. Colo.)

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**ORDER**

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Before **KELLY, McKAY, and LUCERO**, Circuit Judges.

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This is a *pro se* 28 U.S.C. § 2254 prisoner appeal. The underlying petition for habeas corpus was dismissed by the district court as untimely. Pursuant to provisions of the Antiterrorism and Effective Death Penalty Act of 1996, the district court denied a certificate of appealability. The trial court's thorough Order and Judgment of Dismissal, filed February 1, 2006, fully and correctly sets forth why it dismissed the petition. We see no reason to repeat that effort.

To obtain a certificate of appealability, Petitioner must make a "substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2) (2000). In order to meet this burden, Petitioner 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 adequate to deserve encouragement to proceed further.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (quotation omitted).

We have carefully reviewed Petitioner’s brief, the district court’s disposition, and the record on appeal. Nothing in the facts, the record on appeal, or Petitioner’s filing raises an issue which meets our standard for the grant of a certificate of appealability. For substantially the reasons set forth by the district court, we **DENY** Petitioner’s request for a certificate of appealability and **DISMISS** the appeal. The petition to proceed in forma pauperis is **GRANTED**. The Motion for Permission to File Amicus Curiae Brief is **DENIED**.

Entered for the Court

Monroe G. McKay  
Circuit Judge