

**F I L E D**  
United States Court of Appeals  
Tenth Circuit

**UNITED STATES COURT OF APPEALS**

January 29, 2007

**TENTH CIRCUIT**

Elisabeth A. Shumaker  
Clerk of Court

DEWEY JERNIGAN,

Petitioner-Appellant,

v.

ERIC FRANKLIN, Warden,

Respondent-Appellee.

No. 06-5180

(D.C. No. 02-CV-469-TCK-SAJ)

(N.D. Okla.)

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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. 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 Opinion and Order, filed August 30, 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

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\* This order is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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 (eff. Dec. 1, 2006) and 10th Cir. R. 32.1 (eff. Jan. 1, 2007).

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.

Entered for the Court

Monroe G. McKay  
Circuit Judge