

FILED
United States Court of Appeals
Tenth Circuit

January 10, 2011

UNITED STATES COURT OF APPEALS

Elisabeth A. Shumaker
Clerk of Court

TENTH CIRCUIT

TIKILA WILLARD,

Petitioner–Appellant,

v.

ARLENE HICKSON; ATTORNEY
GENERAL OF THE STATE OF NEW
MEXICO,

Respondents–Appellees.

No. 10-2171

(D. New Mexico)

(D.C. No. 10-CV-00063-WJ-LAM)

ORDER*

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

Petitioner seeks a certificate of appealability to appeal the district court’s denial of her 28 U.S.C. § 2254 habeas petition. Petitioner was convicted on state drug charges and sentenced to a total of nineteen years in prison. After unsuccessfully challenging her conviction and sentence in the state courts, Petitioner filed the instant petition for federal habeas relief, in which she raised claims of ineffective assistance of counsel, judicial bias, prosecutorial

* This order is not binding precedent except under the doctrines of law of the case, res judicata, and collateral estoppel.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.

misconduct, and insufficiency of the evidence. The case was assigned to a magistrate judge, who wrote a twenty-eight-page report and recommendation concluding that federal habeas relief was not warranted on any of Petitioner's claims. After conducting a de novo review of the record, the district court adopted the magistrate judge's report and recommendation and dismissed the case.

After carefully reviewing Petitioner's filings and the record on appeal, we conclude that reasonable jurists would not debate whether the district court erred in dismissing the petition. *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000). We also conclude that reasonable jurists would not debate whether the court erred in denying Petitioner's request for an evidentiary hearing. Thus, for substantially the same reasons stated by the magistrate judge and the district court, we **DENY** the application for a certificate of appealability and **DISMISS** the appeal.

ENTERED FOR THE COURT

Monroe G. McKay
Circuit Judge