

FILED
United States Court of Appeals
Tenth Circuit

July 16, 2010

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

MICHAEL A. CAMPBELL,

Petitioner - Appellant,

v.

RANDALL WORKMAN, Warden,

Respondent - Appellee.

No. 10-6084
(D.C. No. 09-CV-00174-C)
(W.D. Okla.)

ORDER
DENYING CERTIFICATE OF APPEALABILITY

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

Petitioner-Appellant Michael Campbell, a state inmate proceeding pro se, seeks a certificate of appealability (“COA”) allowing him to appeal the district court’s denial of his petition for a writ of habeas corpus. Mr. Campbell fails to make “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). Therefore, we deny his request for a COA, and dismiss the appeal.

In 2005, an Oklahoma state jury convicted Mr. Campbell of trafficking in illegal drugs. COA Br. at 2. Mr. Campbell received a sentence of 100 years’ imprisonment. Id. The Oklahoma Court of Criminal Appeals denied relief to Mr. Campbell on direct appeal and on post-conviction relief. Id. at 2-3.

Mr. Campbell filed this habeas petition under 28 U.S.C. § 2254, asserting

eleven grounds for relief: (1) drug evidence presented at trial in violation of the Fourth Amendment; (2) denial of his constitutional right to present a defense; (3) prosecutorial misconduct; (4) erroneous admission of other crimes evidence, denying him a fair trial; (5) lack of a proper chain of evidence, denying him a fair trial; (6) fifteen grounds of ineffective assistance of trial counsel; (7) a sentence so excessive as to violate the Eighth Amendment; (8) sentencing enhancements in violation of the Fourteenth Amendment; (9) erroneous refusal to grant motion for mistrial, denying him a fair trial; (10) ineffective assistance of appellate counsel; and (11) cumulative error, denying him a fair trial. Campbell v. Workman, No. Civ-09-174-C, 2010 WL 1372540, at *1-2 (W.D. Okla. Jan. 28, 2010). In a lengthy, thorough opinion, the federal magistrate judge recommended denying relief on all grounds. The magistrate recommended denying on the merits grounds one through seven and ten. Id. at *3-15, 18-29. The magistrate found grounds eight, nine, and eleven to be procedurally barred. Id. at *16-18. The district court adopted the magistrate's report and recommendation and denied Mr. Campbell's petition. Campbell v. Workman, No. Civ-09-174-C, 2010 WL 1372538, at *1 (W.D. Okla. Mar. 31, 2010).

In his COA application, Mr. Campbell reasserts all eleven grounds. COA Br. at 3. For this court to issue a COA on the claims decided on the merits, Mr. Campbell "must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." Slack v. McDaniel,

529 U.S. 473, 484 (2000). But for claims denied on procedural grounds, Mr. Campbell must show “that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and . . . whether the district court was correct in its procedural ruling.” Id. The magistrate judge’s well reasoned report needs no repetition or elaboration. After reviewing the record and applicable law, we DENY a COA substantially for the reasons set forth in that report and the district court’s order and DISMISS the appeal.

Entered for the Court

Paul J. Kelly, Jr.
Circuit Judge