

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

FILED

SEP 29 2010

WILLIAM E. BRUTHRIE  
Clerk, U.S. District Court  
By \_\_\_\_\_  
Deputy Clerk

JAMES WILLIAM LOVELACE, )  
)  
Petitioner, )  
)  
v. )  
)  
BRUCE HOWARD, Warden, )  
)  
Respondent. )

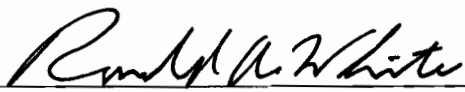
No. CIV 07-224-RAW-KEW

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

Petitioner has filed a notice of intent to appeal the court’s order entered September 17, 2010, affirming and adopting the Magistrate Judge’s Report and Recommendation and denying petitioner’s petition for a writ of habeas corpus. After a careful review of the record, the court concludes petitioner has failed to make a “substantial showing of the denial of a constitutional right,” as required by 28 U.S.C. § 2253(c)(2). The court further finds 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).

ACCORDINGLY, petitioner is denied a certificate of appealability.

IT IS SO ORDERED this 29<sup>th</sup> day of September, 2010.

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