

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

FILED

RICKEY WHITE,
Petitioner,
v.
RANDALL WORKMAN,
Respondent.

JUL 17 2012

WILLIAM J. GUNTERIE
Clerk U.S. District Court
Deputy Clerk

No. CIV 12-306-RAW-KEW

OPINION AND ORDER
DENYING CERTIFICATE OF APPEALABILITY

Petitioner's successive petition for a writ of habeas corpus was dismissed for lack of jurisdiction with regard to the challenge to his sentence under 28 U.S.C. § 2254. His ex post facto claim regarding the execution of his sentence under 28 U.S.C. § 2241 was dismissed for failure to state a claim. 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. See Rule 11(a) of the Rules Governing Section 2254 Cases.

IT IS SO ORDERED this 17th day of July 2012.

Ronald A. White
RONALD A. WHITE
UNITED STATES DISTRICT JUDGE