

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

FILED

MAR - 6 2014

PATRICK KEANEY
Clerk, U.S. District Court

By Deputy Clerk

LAVERN BERRYHILL,)
)
Petitioner,)
)
v.)
)
ANITA TRAMMELL, Warden,)
)
Respondent.)


No. CIV 12-400-RAW-KEW

OPINION AND ORDER
DENYING CERTIFICATE OF APPEALABILITY

On this date the court dismissed petitioner’s petition for a writ of habeas corpus as procedurally barred. After a careful review of the record, the court concludes 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). *See also* 28 U.S.C. § 2253(c).

ACCORDINGLY, petitioner is denied a certificate of appealability. *See* Rule 11(a) of the Rules Governing Section 2254 Cases. *See also Montez v. McKinna*, 208 F.3d 862, 867 (10th Cir. 2000) (holding that “a state prisoner must obtain a COA to appeal the denial of a habeas petition, whether such petition was filed pursuant to § 2254 or § 2241”).

IT IS SO ORDERED this 6th day of March 2013.


RONALD A. WHITE
UNITED STATES DISTRICT JUDGE