

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

FILED

MAR 25 2014

PATRICK KEANEY Clerk, U.S. District Court

By Deputy Clerk

CYNTHIA THOMPSON, )
Petitioner, )
v. )
SHARON McCOY, Warden, )
Respondent. )

Case No. CIV 13-099-RAW-KEW

OPINION AND ORDER DENYING CERTIFICATE OF APPEALABILITY

On this date the court dismissed petitioner’s amended petition for a writ of habeas corpus for failure to exhaust administrative and state judicial remedies. After 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 25th day of March 2014.

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