

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

**JOSHUA DUANE BUTLER,** )  
 )  
 Petitioner, )  
 )  
 v. )  
 )  
 **KEVIN LEDBETTER,** )  
 )  
 Respondent. )

**No. 23-CV-433-RAW-GLJ**

**OPINION AND ORDER**

On January 15, 2024, this Court denied Petitioner’s petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 (Dkt. 6). On January 26, 2024, he filed a notice of appeal (Dkt. 8). On February 1, 2024, in Case No. 24-7002, the Tenth Circuit Court of Appeals directed this Court to address whether to issue a certificate of appealability (Dkt. 11).

After careful review, this Court finds 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). In addition, he 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). Therefore, a certificate of appealability cannot be issued.

**ACCORDINGLY**, Petitioner is DENIED a certificate of appealability.

**IT IS SO ORDERED** this 6<sup>th</sup> day of February, 2024.



Ronald A. White  
United States District Judge  
Eastern District of Oklahoma