

**UNITED STATES COURT OF APPEALS**  
**FOR THE TENTH CIRCUIT**

**APR 11 2002**

**PATRICK FISHER**  
Clerk

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CHARLES CHRISTOPHER  
ASHFORD,

Petitioner - Appellant,

v.

GARY GIBSON,

Respondent - Appellee.

No. 01-5156  
(D.C. No. 99-CV-785-B)  
(N.D. Oklahoma)

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**ORDER AND JUDGMENT** \*

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Before **SEYMOUR** , **McKAY** , and **MURPHY** , Circuit Judges.

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After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

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\* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

Charles Ashford, a state prisoner convicted of one count of sexual assault on a child, seeks a certificate of appealability (COA) to appeal the district court's denial of his habeas corpus petition. To obtain a COA, he must make "a substantial showing of the denial of a constitutional right." *See* 28 U.S.C. § 2253(c)(2).

Ashford challenges several evidentiary rulings made by the state trial court. In light of the governing legal standard, this court has reviewed his request for a COA, his appellate brief, and the district court's order; it has also read the transcript from his trial. Based on that review, and for substantially the reasons stated by the district court in its Order of September 4, 2001, we are convinced Ashford's § 2254 petition is not deserving of further proceedings, debatable among jurists of reason, or subject to different resolution on appeal. His request for a COA is DENIED. This appeal is accordingly DISMISSED.

Entered for the Court

Michael R. Murphy  
Circuit Judge