

UNITED STATES COURT OF APPEALS

Filed 7/2/96

TENTH CIRCUIT

DONALD EDWARD BREEN,

Petitioner - Appellant,

v.

STATE OF OKLAHOMA; ATTORNEY
GENERAL OF THE STATE OF
OKLAHOMA,

Respondents - Appellees.

No. 95-5280
(D. Ct. No. CV-95-414-B)
(N. D. Okla.)

ORDER AND JUDGMENT*

Before TACHA, BALDOCK, and BRISCOE, Circuit Judges.

After examining the briefs and the appellate record, this three-judge panel has determined unanimously that oral argument would not be of material assistance in the determination of this appeal. See Fed. R. App. P. 34(a); 10th Cir. R. 34.1.9. The cause is therefore ordered submitted without oral argument.

This pro se appeal is from the denial of a petition for writ of habeas corpus by the district court. Petitioner appeals on the ground that the district court erred in failing to

*This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. This 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.

find violations of the constitution or a federal law in the allegations related to the circumstances surrounding petitioner's guilty plea.

All of petitioner's allegations relate to alleged failures on the part of the sentencing court to fully inform petitioner's of possible collateral consequences to his guilty plea in the event that he might at some time in the future commit another crime. We are required to examine the appeal of a denial of a writ of habeas corpus to determine whether the petitioner has sufficiently alleged a denial of a federal constitutional right. Anti-Terrorism and Effective Death Penalty Act of 1996, Pub. L. No. 104-132, 28 U.S.C. § 2253(c). We have examined and construed liberally the pleadings in this case and have determined that the allegations in the original petition and those raised on appeal are not sufficient to allege a denial of any federal constitutional right. Lennox v. Evans, No. 96-6041, 1996 WL 343632 (10th Cir. 1996). We therefore decline to issue a certificate of appealability. Appeal DISMISSED.

The mandate shall issue forthwith.

ENTERED FOR THE COURT,

Deanell Reece Tacha
Circuit Judge