

UNITED STATES COURT OF APPEALS

Filed 7/2/96

TENTH CIRCUIT

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JAMES ALTON FORD, SR.,

Petitioner - Appellant,

v.

UNITED STATES OF AMERICA,

Respondent - Appellee.

No. 95-6366

(D. Ct. No. CIV-95-894-C)

(W. D. Okla.)

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**ORDER AND JUDGMENT\***

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Before TACHA, BALDOCK, and BRISCOE, Circuit Judges.

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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 appeal is from an order of the district court dismissing pro se petitioner's petition for a writ of habeas corpus brought pursuant to 28 U.S.C. § 2241. Petitioner appeals on the ground that the district court erred in refusing to grant the writ of habeas corpus under the circumstances of this case. We decline a certificate of appealability.

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\*This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

Petitioner's claims for post-conviction relief all relate to his alleged right to have his federal sentence run concurrently with state sentences and related alleged right to be incarcerated in a federal facility. None of these claims challenge the validity of the federal detainer that has been placed on defendant. We therefore agree with the district court that petitioner is not entitled to relief and that the petition for a writ of habeas corpus was properly denied. Under the Anti-Terrorism and Effective Death Penalty Act of 1996, Pub. L. No. 104-132, 28 U.S.C. § 2253(c), we are required to examine the appeal of the denial of a petition for habeas corpus to determine whether it alleges sufficient denial of constitutional rights. This petition for a writ of habeas corpus clearly does not sufficiently allege any denial of a constitutional right. Lennox v. Evans, No. 96-6041, 1996 WL 343632 (10th Cir. 1996). We therefore decline the certificate of appealability. Appeal DISMISSED.

The mandate shall issue forthwith.

ENTERED FOR THE COURT,

Deanell Reece Tacha  
Circuit Judge