

UNITED STATES COURT OF APPEALS

Filed 1/22/97

TENTH CIRCUIT

LARRY D. MAYNARD,

Petitioner-Appellant,

v.

BOBBY BOONE, Warden,

Respondent-Appellee.

No. 96-5153
(Dist. N. Dist. of Oklahoma)
(D.C. No. 95-CV-952-B)

ORDER AND JUDGMENT*

Before **ANDERSON, LOGAN, and MURPHY**, Circuit Judges.

This matter is before the court on Petitioner Larry D. Maynard's application for a certificate of appealability to appeal the district court's dismissal of his 28 U.S.C. § 2254 petition for a writ of habeas corpus. We have reviewed the district court's order, Petitioner's application for a certificate of appealability, and the record before us. For the reasons set forth in the district court's order of June

*This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata and collateral estoppel.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

13, 1996, we conclude that Petitioner has failed to make “a substantial showing of a the denial of a constitutional right.” See Antiterrorist and Effective Death Penalty Act of 1996, Pub. L. No. 104-132, tit. 1, §§ 102-03, 110 Stat. 1214 (1996) (to be codified at 28 U.S.C. § 2253(c)(2)). Accordingly, we **DENY** Petitioner’s application for a certificate of appealability and **DISMISS** the appeal.

ENTERED FOR THE COURT

Michael R. Murphy
Circuit Judge