

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

FILED
United States Court of Appeals
Tenth circuit

JUN 13 1990

ROBERT L. HOECKER
Clerk

LARRY D. THOMAS,
Petitioner-Appellant,
v.
JACK COWLEY,
Respondent-Appellee.

No. 88-1441
(D.C. No. CIV-88-66-T)
(W.D. Okla.)

ORDER AND JUDGMENT*

Before LOGAN, MOORE, and ANDERSON, Circuit Judges.

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); 10th Cir. R. 34.1.9. The case is therefore ordered submitted without oral argument.

This matter is before the court on appellant's application for a certificate of probable cause.

We have reviewed the files and records and conclude that the district court properly analyzed the law and facts in this case in its order of March 15, 1988. We therefore conclude that appellant

* This order and judgment has no precedential value and shall not be cited, or used by any court within the Tenth Circuit, except for purposes of establishing the doctrines of the law of the case, res judicata, or collateral estoppel. 10th Cir. R. 36.3.

has failed to make a substantial showing of the denial of a federal right necessary for the issuance of a certificate of probable cause under 28 U.S.C. § 2253. See Barefoot v. Estelle, 463 U.S. 880 (1983).

It is ordered as follows:

1. Appellant's application for a certificate of probable cause is denied;
2. The appeal is dismissed; and
3. The mandate shall issue forthwith.

ENTERED FOR THE COURT
PER CURIAM