

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

FILED
United States Court of Appeals
Tenth Circuit

AUG 23 1990

ROBERT L. HOECKER
Clerk

DALTON LOYD WILLIAMS,	)	
	)	
Petitioner-Appellant,	)	
	)	
v.	)	Nos. 90-1062
	)	90-1063
H. B. JOHNSON, and ATTORNEY	)	90-1064
GENERAL FOR THE STATE OF TEXAS,	)	90-1065
	)	(D.C. Nos. 89-B-1301,
Respondents-Appellees.	)	89-B-1302, 89-B-1303,
	)	and 89-B-1347)
	)	(D. Colorado)

ORDER AND JUDGMENT*

Before LOGAN, SEYMOUR, and TACHA, Circuit Judges.

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

All of these petitions for a writ of habeas corpus under 28 U.S.C. § 2254 seek to require the Colorado state courts to give appellant credit for time served in Texas on appellant's conviction for murder and other crimes committed in Texas while he was an escapee from a Colorado state prison. The district court denied relief on grounds that appellant had failed to present his claim to the Colorado Court of Appeals, and hence had failed to

* 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.

exhaust state remedies. Appellant asserts that he exhausted remedies in Texas, and unsuccessfully pursued a writ of mandamus in the Supreme Court of Colorado.

Because he challenges action of a Colorado state court, appellant's suits in Texas have only tangential relevance, if any; his quarrel, properly focused, is with the Colorado officials and should be pursued through the Colorado state court system. The record reveals that either appellant's claim on this issue is pending before the Colorado Court of Appeals, or that it has not been properly presented to a Colorado state appellate court. Hence, the district court was entirely correct in dismissing the petition for failure to exhaust state remedies.

We have reviewed the files and records and conclude that appellant 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

James K. Logan
Circuit Judge