

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

FILED
United States Court of Appeals
Tenth Circuit

OCT 30 1991

ROBERT L. HOECKER
Clerk

TIMOTHY VAN HOOK,

Petitioner-Appellant,

v.

RICHARD R. THORNBURGH,
J. MICHAEL QUINLAN, GARY HENMAN,
and ROBERT P. CASEY,

Respondents-Appellees.

Nos. 90-3324,
90-3351, & 91-3157

(D.C. No. 90-3474-R)
(D. Kansas)

ORDER AND JUDGMENT*

Before LOGAN, MOORE, and BALDOCK, Circuit Judges.

Petitioner Timothy Van Hook was convicted of violation of the criminal laws of the Commonwealth of Pennsylvania and was subsequently transferred to the United States Penitentiary, Leavenworth, Kansas, to serve his sentence. The district court denied his Petition for Writ of Habeas Corpus, filed pursuant to 28 U.S.C. § 2241. Van Hook v. Thornburgh, No. 90-3474-R, 1991 WL 49654 (D. Kan. Mar. 13, 1991). Petitioner appeals pursuant 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.

28 U.S.C. § 2253.¹

In response to Petitioner's Notice of Appeal, the district court found that the appeal was frivolous and not taken in good faith. Based on this finding, the court denied Petitioner leave to proceed in forma pauperis on appeal. Dist. Ct. R. doc. 26. Petitioner's motion before this court for in forma pauperis status is hereby granted. Case Nos. 90-3324 and 90-3351, interlocutory appeals, are dismissed for mootness because of the court's disposition of Petitioner's appeal on the merits herein.

Each of the claims based on the Compact Clause that Petitioner raises on appeal has been considered and was found to be lacking in merit in Stevenson v. Thornburgh, 943 F.2d 1241 (10th Cir. 1991). We hold that none of the issues Petitioner has raised before this court are "debatable among jurists of reason." Barefoot v. Estelle, 463 U.S. 880, 893 n.4 (1983). Petitioner's request for certificate of probable cause to appeal denial of his Petition for Writ of Habeas Corpus is DENIED. This appeal is DISMISSED. The mandate shall issue forthwith.

Entered for the Court
Per Curiam

¹ 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.