

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

OCT 02 1991

ROBERT L. HOECKER
Clerk

EUGENE SPRUILL,

Petitioner-Appellant,

v.

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

Respondents-Appellees.

Nos. 90-3354 &
91-3110

(D.C. No. 90-CV-3517)
(D. Kansas)

ORDER AND JUDGMENT*

Before LOGAN, MOORE, and BALDOCK, Circuit Judges.

Petitioner Eugene Spruill was convicted of violation of the criminal laws of the Commonwealth of Pennsylvania and was subsequently transferred to the United States Penitentiary, Leavenworth, Kansas (USPL), to serve his sentence. The district court denied his petition for habeas corpus, filed pursuant to 28 U.S.C. § 2241. Spruill v. Thornburgh, No. 90-3517-R, 1991 WL 49657 (unpubl.)(D. Kan. Mar. 13, 1991). Petitioner appeals

* 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.

pursuant to 28 U.S.C. § 2253.¹

Each of the claims petitioner raises on appeal have been considered and was found to be lacking in merit in Stevenson v. Thornburgh, ___ F.2d ___, 1991 WL 164630 (10th Cir. Aug. 29, 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.

Case No. 90-3354, an interlocutory appeal, is dismissed for mootness because of the court's disposition of petitioner's appeal on the merits herein.