

June 7, 2011

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ROY DEAN BULLCOMING,

Defendant - Appellant.

No. 11-6049

(W.D. Oklahoma)

(D.C. Nos. 5:10-CV-00606-F and
5:08-CR-00055-F-1)

ORDER DENYING CERTIFICATE OF APPEALABILITY

Before **KELLY, HARTZ**, and **HOLMES**, Circuit Judges.

Roy Dean Bullcoming seeks a certificate of appealability (COA) to appeal the denial of his motion for relief under 28 U.S.C. § 2255. *See* 28 U.S.C. § 2253(c)(1)(B) (requiring COA to appeal denial of relief under § 2255). “A certificate of appealability may issue . . . only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). This standard requires “a demonstration that . . . includes showing that reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (internal quotation marks omitted). In other

words, an applicant must show that the district court's resolution of the constitutional claim was either "debatable or wrong." *Id.*

No reasonable jurist could debate the resolution of Mr. Bullcoming's § 2255 motion in the district court's thorough and well-reasoned opinion. *See United States v. Bullcoming*, No. CR-08-0055-F, 2011 WL 195652 (W.D. Okla. Jan. 18, 2011). We therefore deny his application for a COA and dismiss the appeal.

ENTERED FOR THE COURT

Harris L Hartz
Circuit Judge