

September 26, 2011

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT
Elisabeth A. Shumaker
Clerk of Court

VICTOR LOPEZ,

Petitioner–Appellant,

v.

TRAVIS TRANI, Warden; THE
ATTORNEY GENERAL OF THE
STATE OF COLORADO,

Respondents–Appellees.

No. 11-1186

(D. Colorado)

(D.C. No. 09-CV-01551-ZLW)

ORDER DENYING CERTIFICATE OF APPEALABILITY*

Before **O’BRIEN, McKAY, and TYMKOVICH**, Circuit Judges.

After this court denied his request for a certificate of appealability, *see Lopez v. Trani*, 628 F.3d 1228 (10th Cir. 2010), Petitioner filed a post-judgment motion asking the district court to strike certain statutes as unconstitutional. The court denied his motion, and Petitioner filed a notice of appeal.

To appeal the denial of his post-judgment motion in this habeas case, Petitioner

* This order is not binding precedent except under the doctrines of law of the case, *res judicata*, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

must obtain a certificate of appealability. *See Dulworth v. Jones*, 496 F.3d 1133, 1135-36 (10th Cir. 2007). We conclude that reasonable jurists would not debate whether the district court erred in denying Petitioner's post-judgment motion, *see Slack v. McDaniel*, 529 U.S. 473, 484 (2000), and we therefore **DENY** Petitioner's request for a certificate of appealability and **DISMISS** the appeal. Petitioner's motion to proceed *in forma pauperis* is also **DENIED**.

ENTERED FOR THE COURT

Monroe G. McKay
Circuit Judge