

UNITED STATES COURT OF APPEALS **March 9, 2011**

TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

MORRIS WILLIAMS,

Petitioner–Appellant,

v.

ROGER WERHOLTZ; STEVEN N.
SIX, Attorney General of the State of
Kansas,

Respondents–Appellees.

No. 10-3302
(D.C. No. 5:09-CV-03097-SAC)
(D. Kan.)

ORDER DENYING CERTIFICATE OF APPEALABILITY*

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

Petitioner seeks a certificate of appealability to appeal the district court’s denial of his 28 U.S.C. § 2254 habeas petition. Petitioner entered a plea of no contest to a charge of aggravated robbery. In his habeas petition, he raised three allegations of ineffective assistance of counsel relating to the entry of this plea. However, the district court concluded the habeas petition was untimely and, moreover, the Petitioner had failed to state a valid claim for relief on the merits.

* This order is not binding precedent except under the doctrines of law of the case, res judicata, and collateral estoppel.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.

After carefully reviewing Petitioner's brief and the record on appeal, we conclude that reasonable jurists would not debate whether the district court erred in dismissing the petition. *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000). For substantially the same reasons stated by the district court in its orders dismissing the petition and denying Petitioner's motion for reconsideration, we **DENY** the application for a certificate of appealability and **DISMISS** the appeal.

ENTERED FOR THE COURT

Monroe G. McKay
Circuit Judge