

July 1, 2014

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

ANTONE L.A. KNOX,

Petitioner - Appellant,

v.

ANITA TRAMMELL, Warden,

Respondent - Appellee.

No. 14-6069
(D.C. No. 5:13-CV-01218-W)
(W.D. Okla.)

ORDER DENYING CERTIFICATE OF APPEALABILITY*

Before **HARTZ, McKAY**, and **MATHESON**, Circuit Judges.

Petitioner Antone Knox, a state prisoner proceeding pro se, seeks a certificate of appealability to appeal the district court’s denial of his federal habeas petition. In his habeas petition, Petitioner challenged the state parole board’s denial of his request for parole. The district court concluded Petitioner was not entitled to habeas relief because Oklahoma’s parole system is discretionary and therefore does not give rise to a protected liberty interest. *See Malek v. Haun*, 26 F.3d 1013, 1015 (10th Cir. 1994); *see also Shabazz v. Keatin*, 977 P.2d 1089, 1093 (Okla. 1999). The district court further

* This order is not binding precedent except under the doctrines of law of the case, res judicata, and collateral estoppel.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

concluded that the second claim in the petition, which was based on the Rehabilitation Act of 1973 and the Americans with Disabilities Act, could not be brought in a habeas proceeding and should therefore be dismissed without prejudice.

After thoroughly reviewing Petitioner's filings and the record on appeal, we conclude that reasonable jurists would not debate the district court's resolution of this case. *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000). We therefore **DENY** Petitioner's request for a certificate of appealability and **DISMISS** the appeal. Petitioner has filed a motion for sanctions, in which he asks this court to inform him if any of the documents he mailed to the court are missing as a result of prison officials' alleged tampering with his legal mail, and, if so, to impose sanctions on Defendant. We have received and reviewed all pertinent documents, and we accordingly **DENY** the motion for sanctions. Petitioner's motion to proceed *in forma pauperis* on appeal is **GRANTED**.

ENTERED FOR THE COURT

Monroe G. McKay
Circuit Judge