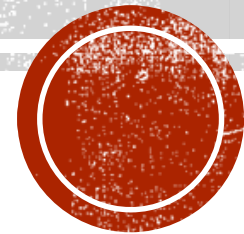


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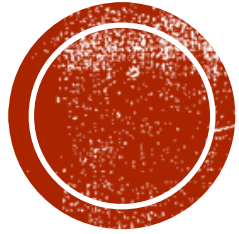
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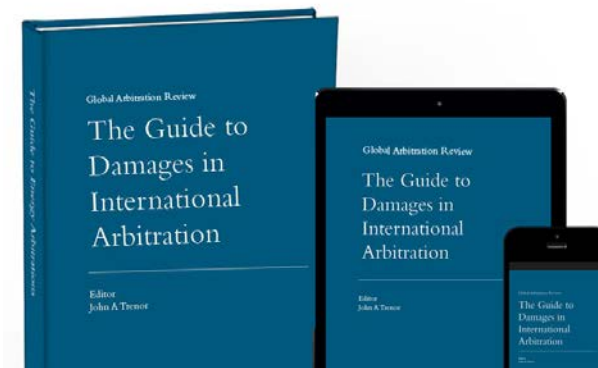
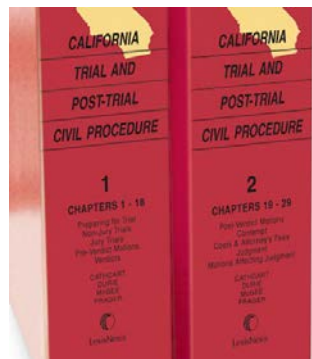
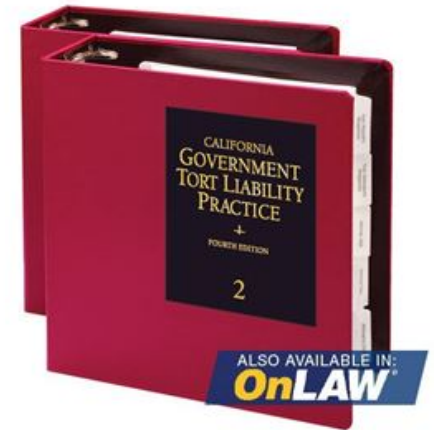
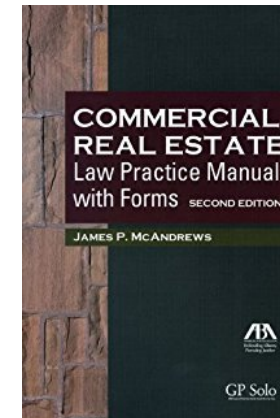
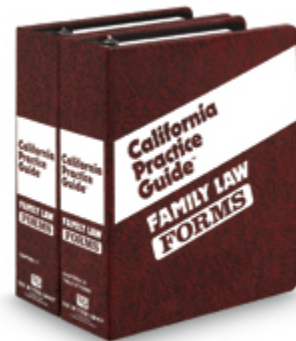
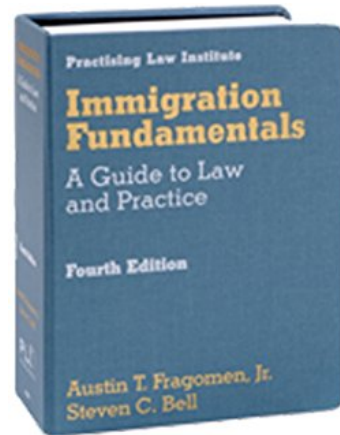
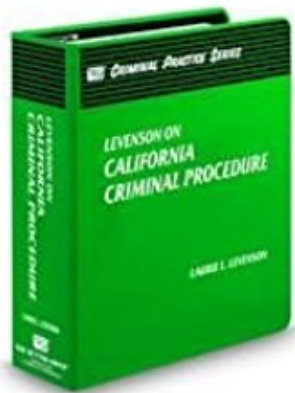
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64	Van Deelen v. Johnson Tenth Circuit Neil M. Gorsuch August 14th, 2007
44	STRICKLAND v. WASHINGTON U.S. Supreme Court Sandra Day O'Connor May 14th, 1984
37	ANDERS v. CALIFORNIA U.S. Supreme Court Tom C. Clark May 8th, 1967
34	United States v. Calderon Tenth Circuit Michael W. McConnell November 7th, 2005
31	MILLER-EL v. COCKRELL U.S. Supreme Court Anthony McLeod Kennedy February 25th, 2003
23	Andrews v. Heaton Tenth Circuit Neil M. Gorsuch April 23rd, 2007
19	Richison v. Ernest Group, Inc. Tenth Circuit Neil M. Gorsuch March 14th, 2011
18	United States v. Booker U.S. Supreme Court John Paul Stevens January 12th, 2005
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Citing SLACK v. McDANIEL

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529 U.S. 473 | U.S. Supreme Court | April 26th, 2000
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HESS v. TRAMMELL

Nos. 13-5091, 13-5092, 13-5093 | Tenth Circuit | October 23rd, 2013

Neil M. Gorsuch

Mr. Hess is entitled to a COA only if he makes a "substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). And he can do that only by showing that reasonable jurists could debate (or agree on) a different resolution of the habeas petition or the merit of further proceedings. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Having fully considered all of his many arguments, we agree with the district court that he hasn't met this standard. The first constitutional right Mr. Hess says he was denied is his due process right not to plead guilty while incompetent.

He responds by faulting an ineffective appellate counsel for choosing not to do so. Because we, like the district court, find neither of his attorneys constitutionally ineffective, we cannot agree (as we would have to) that the district court's procedural ruling was debatably incorrect. See *Slack*, 529 U.S. at 484. Neither can we issue a COA because the district court erroneously barred his ineffective assistance of counsel claims — because the district court didn't bar those claims. In sum, neither these nor Mr. Hess's other arguments convince us that the district court's denial of his habeas petitions was debatably incorrect or that the issues he raises merit further proceedings.



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