

September 26, 2011

UNITED STATES COURT OF APPEALS

Elisabeth A. Shumaker  
Clerk of Court

TENTH CIRCUIT

---

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\* This order is not binding precedent except under the doctrines of law of the case, res judicata, and collateral estoppel.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