

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

December 21, 2011

TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

DANIEL JOSEPH PARRISH-
PARRADO,

Petitioner - Appellant,

v.

PRISONER REVIEW BOARD;
KANSAS DEPARTMENT OF
CORRECTIONS,

Respondents - Appellees.

No. 11-3336
(D.C. No. 5:11-CV-03175-SAC)
(D. Kansas)

ORDER DENYING CERTIFICATE OF APPEALABILITY

Before **KELLY, HARTZ, and HOLMES**, Circuit Judges.

Frequent litigant Daniel Joseph Parrish-Parrado filed an application under 28 U.S.C. § 2241 in the United States District Court for the District of Kansas in which he challenged the decision to deny him release on parole and complained of the conditions of his confinement. The district court dismissed without prejudice his challenge to the denial of parole on the ground that he had not exhausted his state administrative remedies. And it dismissed without prejudice his challenge to the conditions of confinement because such a challenge is not appropriate under § 2241.

Mr. Parrish-Parrado seeks a certificate of appealability (COA) to appeal the district court's decision. *See Montez v. McKinna*, 208 F.3d 862 (10th Cir. 2000) (requiring COA to challenge denial of § 2241 claim by state prisoner). For the reasons stated in the district court's decision, he is clearly not entitled to a COA. We therefore DENY a COA and DISMISS the appeal. Mr. Parrish-Parrado's motion to reconsider is denied as moot.

ENTERED FOR THE COURT

Harris L Hartz
Circuit Judge