

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

December 2, 2015

Elisabeth A. Shumaker
Clerk of Court

JOSHUA ROBERT BENTON,

Petitioner - Appellant,

v.

MICHAEL ADDISON, Warden,

Respondent - Appellee.

No. 15-5076
(D.C. No. 4:14-CV-00026-JED-PJC)
(D. N.D. Okla.)

ORDER DENYING CERTIFICATE OF APPEALABILITY
AND DISMISSING APPEAL

Before **GORSUCH, O'BRIEN**, and **BACHARACH**, Circuit Judges.

Congress decided to pretermitt meritless 28 U.S.C. § 2254 litigation. Habeas petitioners have the burden to make “a substantial showing of the denial of a constitutional right,” *see* 28 U.S.C. § 2253(c)(2). The law requires us to predetermine whether “reasonable jurists could debate whether (or, for that matter, agree that) [a habeas] petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (quotations omitted). It does not require or even expect a detailed explanation at every turn and this case does not deserve one.

The district court issued a thorough and legally sound 30-page order addressing

and denying each of Joshua Benton's claims. Benton makes no effort to demonstrate how or why the court got it wrong; he merely reiterates the arguments he raised below.

Because no jurist of reason could reasonably debate the correctness of the result reached by the district court, we **DENY** a COA and **DISMISS** this matter. The district court permitted Benton to proceed on appeal without prepayment of fees. But only prepayment is excused, *see* 28 U.S.C. § 1915(a). Benton is required to pay all filing (\$5.00) and docketing fees (\$500.00). Payment must be made to the Clerk of the District Court.

Entered by the Court:

Terrence L. O'Brien
United States Circuit Judge