

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF KANSAS**

ALBERT L. BOSCH,

Petitioner,

v.

Case No: 05-3046-JWL

**DAVID R. MCKUNE, WARDEN,
LANSING CORRECTIONAL FACILITY,
and
PHIL KLINE, KANSAS ATTORNEY GENERAL,**

Defendant.

ORDER

Petitioner proceeds pro se on a petition for writ of habeas corpus filed under 28 U.S.C. 2254. By an order dated January 9, 2006, the court denied the petition. Before the court is petitioner's notice of appeal (Doc. 54), motion for a certificate of appealability (Doc. 55), and motion for leave to proceed in forma pauperis on appeal (Doc. 58).

Having reviewed petitioner's limited financial resources, the court grants petitioner leave to proceed in forma pauperis on appeal.

To obtain a certificate of appealability for his appeal, petitioner must make a "substantial showing of the denial of a constitutional right." 28 U.S.C. 2253(c)(1) and (2). Petitioner must also show that "jurists of reason would find it debatable whether the district court was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). The court finds petitioner has made no such showing in this case.

IT IS THEREFORE ORDERED that petitioner is granted leave to proceed in forma pauperis on appeal, and that the court issues no certificate of appealability for petitioner's appeal.

Dated this 31st day of January, 2006, at Kansas City, Kansas.

s/ John W. Lungstrum
John W. Lungstrum
United States District Judge