

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

BRYAN L. BROYLES,)	
)	
Petitioner,)	
)	
v.)	Case No. 05-3445-WEB
)	
DAVID R. McKUNE,)	
El Dorado Correction Facility)	
&)	
PHILL KLINE,)	
Kansas Attorney General,)	
)	
Respondents.)	

MEMORANDUM AND ORDER

Now before the Court is Petitioner's motion for a Certificate of Appealability (COA) pursuant to 28 U.S.C. § 2253. (Doc. 17); 28 U.S.C. § 2253. The Court has already ruled on this issue as it denied a COA in the order disposing of Petitioner's motion pursuant to 28 U.S.C. § 2254. For reasons set forth in the Court's October 27th memorandum and order, Petitioner has not met the burden required for a COA. (Doc. 13). As a result, Petitioner's motion is denied.

SO ORDERED this 17th day of November, 2006.

s/ Wesley E. Brown
Wesley E. Brown, Senior U.S. District Judge