

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

December 2, 2016

Elisabeth A. Shumaker
Clerk of Court

LONNIE DEE BROWN,

Petitioner - Appellant,

v.

TRACY MCCOLLUM, Warden,

Respondent - Appellee.

No. 16-6183
(D.C. No. 5:16-CV-00048-F)
(W.D. Okla.)

ORDER

Before **LUCERO, MATHESON, and BACHARACH**, Circuit Judges.

This matter is before the court on Appellant's motion for a certificate of appealability. Upon careful consideration, the motion is granted as to the issue raised in Appellant's *Petition for Writ of Habeas Corpus by a Person in State Custody Pursuant to 28 U.S.C. §2254*, to wit: whether petitioner was denied the right to confront and cross examine his accuser in any meaningful manner.

Within 40 days of the date of this order, Respondent shall file and serve a response brief in accordance with the applicable Federal Rules of Appellate Procedure and the

Tenth Circuit Rules. Within 14 days of the filing and service of Respondent's response brief, Petitioner may file an optional reply brief.

Entered for the Court,

ELISABETH A. SHUMAKER, Clerk

A handwritten signature in black ink, appearing to read 'Chris Wolpert', with a long horizontal stroke extending to the right.

by: Chris Wolpert
Chief Deputy Clerk