

August 25, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-70048

RICHARD HINOJOSA,

Petitioner-Appellant,

versus

DOUG DRETKE, DIRECTOR, TEXAS
DEPARTMENT OF CRIMINAL JUSTICE,
CORRECTIONAL INSTITUTIONS DIVISION,

Respondent-Appellee.

Appeal from the United States District Court
for the Western District of Texas, San Antonio Division
(SA-01-CA-136-RF)

**ORDER DENYING APPELLEE'S PETITION FOR A CERTIFICATE OF
APPEALABILITY**

Before WIENER, BENAVIDES, and STEWART, Circuit Judges.

Per Curiam:*

Appellant Richard Hinojosa petitions the court for a certificate of appealability to appeal the district court's denial of his application for habeas corpus relief under 28 U.S.C. § 2254. After reviewing the briefs, the decision below, and the record, we find that Hinojosa is not entitled to a COA as to any issue. As

*Under 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

this is a death penalty case, it deserves the most exacting scrutiny from this court, which typically involves a written opinion. The district court in this case, however, wrote a thoroughly detailed and well-reasoned 88-page opinion and order denying Hinojosa's petition for habeas relief and a COA. Were we to write a lengthy opinion affirming that court, we would be exalting formalism and scrupulosity over substance and judicial economy, adding nothing but repetition and doing nothing more than filling innumerable pages with synonyms and paraphrases. In this exceptional case, therefore, we decline to do so and simply deny Hinojosa's COA for the reasons well and fully explicated in the district court's writing.

PETITION DENIED.