

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-60416

VERONICA MCCALLUP,

Petitioner-Appellant,

versus

STATE OF MISSISSIPPI; LAWRENCE KELLY,

Respondents-Appellees.

Appeal from the United States District Court
for the Southern District of Mississippi
No. 4:02-CV-76-LN

October 11, 2002

Before HIGGINBOTHAM, SMITH, and CLEMENT, Circuit Judges.

PER CURIAM:*

Veronica McCallup has moved for a certificate of appealability (COA) to appeal the dismissal with prejudice of her 28 U.S.C. § 2254 petition. The district court determined that McCallup was

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

challenging her extradition from Michigan to Mississippi but that she could not do so once she had been returned to Mississippi.

McCallup must obtain a COA to proceed on appeal. See 28 U.S.C. § 2253(c)(1). To obtain a COA, she must make a substantial showing of the denial of a constitutional right. See 28 U.S.C. § 2253(c)(2). To make such a showing, she must "demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." Slack v. McDaniel, 529 U.S. 473, 484 (2000).

Our review of the record indicates that McCallup's application was not limited to extradition claims; she also alleged various other constitutional violations once she was returned to face criminal charges in Mississippi. Because the district court did not address these claims, McCallup has demonstrated that reasonable jurists would find the district court's assessment of her claims debatable or wrong. Accordingly, COA is GRANTED, the dismissal is VACATED, and the case is REMANDED for further proceedings.

COA GRANTED; CASE VACATED AND REMANDED.