

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-01363-WYD

JOSE ARTURO PENA,

Applicant,

v.

S. HARTLEY, Warden, Arkansas Valley Correctional Facility; and  
THE ATTORNEY GENERAL OF THE STATE OF COLORADO,

Respondents.

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FINAL JUDGMENT

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Pursuant to and in accordance with Fed. R. Civ. P. 58(a) and the Order Denying 28 U.S.C. § 2254 Application, filed on May 28, 2013, by the Honorable Wiley Y. Daniel, Senior United States District Judge, and incorporated herein by reference as if fully set forth, it is

ORDERED that the motion titled "Motion to Reconsider Dismissal of Claims 2(c) and 4 and Objection to Court's Partial Dismissal of Those Claims" (ECF No. 23) that Applicant, Jose Arturo Pena, filed on November 7, 2012, is DENIED. It is further

ORDERED that the habeas corpus application is **DENIED**, and the action is **DISMISSED WITH PREJUDICE**. It is further

ORDERED that each party shall bear his own costs and attorney's fees. It is further

ORDERED that no certificate of appealability will issue because Applicant, Jose Arturo Pena, has not made a substantial showing of the denial of a constitutional right.

It is further

ORDERED that leave to proceed in forma pauperis on appeal is **DENIED**.

DATED at Denver, Colorado this 29th day of May, 2013.

FOR THE COURT:

JEFFREY P. COLWELL, CLERK

By: s/ Edward P. Butler  
Edward P. Butler,  
Deputy Clerk