

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 04-cv-01298-ZLW

BRIAN P. CALCARI,

Applicant,

v.

EXECUTIVE DIRECTOR JOE ORTIZ, and
THE ATTORNEY GENERAL OF THE STATE OF COLORADO,

Respondents.

ORDER DENYING CERTIFICATE OF APPEALABILITY

Babcock, Senior Judge

Applicant has filed a notice of appeal from this court's final order denying his Motion Pursuant to F.R.Civ Proc. Rule 60(b)(4), Motion Reasserting Prior Motion pursuant to F.R.C.P. Rule 60(b)(4) and Motion Requesting to Amend/Supplement motion Pursuant to F.R.Civ Proc. Rule 60(b)(4). The court has reviewed the file and finds that a certificate of appealability pursuant to 28 U.S.C. § 2253(c) should not be issued because Applicant has not made a substantial showing of the denial of a constitutional right. Accordingly, it is

ORDERED that a certificate of appealability will not be issued.

DATED at Denver, Colorado this 21st day of March, 2012.

BY THE COURT:

s/Lewis T. Babcock
SENIOR JUDGE, UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF COLORADO