

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 05-cv-00353-LTB-PAC

WENDELL TODD JONES,

Applicant,

v.

AL ESTEP,

Respondent.

ORDER DENYING LEAVE TO PROCEED
ON APPEAL PURSUANT TO 28 U.S.C. § 1915(a)(1)
AND DENYING CERTIFICATE OF APPEALABILITY

Babcock, Senior Judge

Applicant Wendell Todd Jones, proceeding *pro se*, filed a notice of appeal and subsequently a motion to proceed *in forma pauperis* on appeal, a motion for certificate of appealability, and a request for appointment of counsel on appeal. First, the Court has examined the *in forma pauperis* motion and finds that the motion is deficient because it is not submitted on a Court-approved form. Second, the motion for a certificate of appealability will be denied because Applicant does not make a substantial showing of the denial of a constitutional right. Finally, a request for appointment of counsel in the appeal of this action should be filed in the United States Court of Appeals for the Tenth Circuit. Accordingly, it is

ORDERED that the motion seeking leave to proceed *in forma pauperis* on appeal, ECF No. 63, is denied without prejudice because the motion is deficient. It is

FURTHER ORDERED that no certificate of appealability will issue, and Applicant's motion requesting such a certificate, ECF No. 64, is denied, because Applicant has not made a substantial showing of the denial of a constitutional right. It is

FURTHER ORDERED that Applicant's request for appointment of counsel, ECF No. 64, is denied with leave to refile in the United States Court of Appeals for the Tenth Circuit.

DATED at Denver, Colorado, this 4th day of November, 2015.

BY THE COURT:

s/Lewis T. Babcock
LEWIS T. BABCOCK, Senior Judge
United States District Court