

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Chief Judge Wiley Y. Daniel

Civil Action No. 05-cv-02567-WYD

MICHAEL TREVINO,

Applicant,

v.

MICHAEL ARELLANO (Warden, Arkansas Valley Correctional Facility), and
THE ATTORNEY GENERAL OF THE STATE OF COLORADO,

Respondents.

ORDER DENYING CERTIFICATE OF APPEALABILITY

Applicant has filed a notice of appeal from this court's final order denying his Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 and dismissing the action. 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: February 9, 2009

BY THE COURT:

s/ Wiley Y. Daniel
Wiley Y. Daniel
Chief United States District Judge