

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

Civil Action No. 06-cv-00146-WYD-KLM

PATRICK PORTLEY-EL,

Applicant,

v.

KEVIN MILYARD, and  
COLORADO ATTORNEY GENERAL,

Respondents.

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ORDER DENYING CERTIFICATE OF APPEALABILITY

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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: August 3, 2009

BY THE COURT:

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