

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Honorable Marcia S. Krieger

Civil Action No. 06-cv-01477-MSK-MJW

ROBERT BRUCE SULLIVAN,

Petitioner,

v.

JOHN W. SUTHERS, The Attorney General of the State of Colorado,

Respondent.

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ORDER DENYING LEAVE TO PROCEED ON APPEAL  
PURSUANT TO 28 U.S.C. § 1915 AND FED. R. APP. P. 24

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Krieger, Judge

The Petitioner has submitted a Motion and Affidavit for Leave to Proceed on Appeal Pursuant to 28 U.S.C. § 1915 and Fed. R. App. P. 24. The Court has examined the file and has determined that the motion must be denied. Pursuant to 28 U.S.C. § 1915(a)(3), the Court finds that this appeal is not taken in good faith because the Petitioner has not shown the existence of a reasoned, nonfrivolous argument on the law and facts in support of the issues raised on appeal. Accordingly, it is

**ORDERED** that the Motion and Affidavit for Leave to Proceed on Appeal Pursuant to 28 U.S.C. § 1915 and Fed. R. App. P. 24 is denied. It is

**FURTHER ORDERED** that the Petitioner's motion to appoint counsel is denied with leave to re-file in the Court of Appeals.

DATED at Denver, Colorado this 27<sup>th</sup> day of October, 2009.

**BY THE COURT:**



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Marcia S. Krieger  
United States District Judge