

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 06-cv-01644-PAB

RICHARD ALLEN WALLEN,

Applicant,

v.

JOE ORTIZ, Executive Director Colorado Department of Corrections, and  
JOHN SUTHERS, The Attorney General of the State of Colorado,

Respondents.

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ORDER DENYING CERTIFICATE OF APPEALABILITY

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Brimmer, Judge

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 by a Person in State Custody 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 December 28, 2010.

BY THE COURT:

s/Philip A. Brimmer  
PHILIP A. BRIMMER  
United States District Judge