

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 07-cv-00835-REB-KMT

ANDREW PHILLIP ELLIOTT,

Applicant,

v.

JAMES E. ABBOTT, and  
THE ATTORNEY GENERAL OF THE STATE OF COLORADO,

Respondents.

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ORDER DENYING CERTIFICATE OF APPEALABILITY

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Blackburn, District Judge

Applicant filed a notice of appeal on June 25, 2009. Applicant is appealing to the United States Court of Appeals for the Tenth Circuit from this Court's July 27, 2009, Order that adopted the United States Magistrate Judge's Recommendation and dismissed the case.

Pursuant to 28 U.S.C. § 2253(c)(1)(A), a certificate of appealability is necessary to appeal from the final order in a habeas corpus proceeding pursuant to 28 U.S.C. § 2254. The Court will not issue a certificate of appealability in this action because no final order has been entered.

Accordingly, it is

ORDERED that a certificate of appealability will not be issued.

DATED at Denver, Colorado this 20<sup>th</sup> day of October, 2009.

BY THE COURT:



Robert E. Blackburn  
United States District Judge