

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.

ORDER DENYING CERTIFICATE OF APPEALABILITY

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.

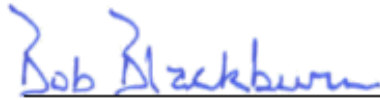
Pursuant to 28 U.S.C. § 2253(c)(1)(A), a certificate of appealability is necessary to appeal from the final order in a habeas corpus proceeding pursuant to 28 U.S.C. § 2254. The Court will not issue a certificate of appealability in this action because no final order has been entered.

Accordingly, it is

ORDERED that a certificate of appealability will not be issued.

DATED at Denver, Colorado this 20th day of October, 2009.

BY THE COURT:

A handwritten signature in blue ink that reads "Bob Blackburn". The signature is written in a cursive, somewhat stylized font. The first name "Bob" is written in a larger, more prominent script than the last name "Blackburn".

Robert E. Blackburn
United States District Judge