

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 07-cv-01491-RPM

VIRGIL ANDERSON-BEY

Plaintiff,

v.

ARISTEDES W. ZAVARAS, Executive Director, Colorado Department of Corrections,

Defendant.

ORDER GRANTING MOTION FOR CERTIFICATE OF APPEALABILITY

When this Court entered judgment on March 19, 2010, denying the application for writ of habeas corpus pursuant to 28 U.S.C. § 2254, it neglected to issue a certificate of appealability as required by Rule 11 of the rules governing such proceedings, as amended effective December 1, 2009 and on April 2, 2010, the applicant filed a motion for certificate of appealability, seeking relief under Fed.R.Civ. P. 60(a) because of the Court's oversight. To correct that error, the Court now finds and concludes that both claims presented by Virgil Anderson-Bey are claims on which reasonable jurorist may find this Court's rulings to be debatable and that the time to file a notice of appeal should be extended pursuant to FRAP 4(a)5. It is therefore

ORDERED that the motion for certificate of appealability is granted and Virgil Anderson-Bey may proceed with an appeal of this Court's rulings on both of the issues presented with time of the filing of a notice of appeal extended to thirty days from this date.

DATED: April 6th, 2010

BY THE COURT:

s/ Richard P. Matsch

By _____
Richard P. Matsch, Senior District Judge