

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 07-cv-01491-RPM-BNB

VIRGIL ANDERSON-BEY,

Plaintiff,

v.

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

Defendant.

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

Matsch, Senior Judge

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 motion will be granted in part and denied in part.

The court has examined the file and finds that Petitioner has shown an inability to pay the required filing fees and the existence of a reasoned, nonfrivolous argument on the law and facts in support of the issues raised on appeal. Therefore, Petitioner will be allowed to proceed on appeal pursuant to 28 U.S.C. § 1915(a) without prepayment of fees or security therefor.

However, the court finds that this appeal does not present a substantial question, i.e., a significant issue that is unique, unusual or reasonably debatable. Therefore, pursuant to 28 U.S.C. § 753(f), Petitioner's request for a free transcript will be denied. 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 granted in part and denied in part. It is

FURTHER ORDERED that Petitioner may proceed on appeal without prepayment of fees or security therefor. It is

FURTHER ORDERED that Petitioner's request for a free transcript is denied because the court finds that this appeal does not present a substantial question. Petitioner may pay the estimated transcript fee in advance or make his own arrangements with the court reporter to pay for the cost of the transcript.

DATED at Denver, Colorado this 11th day of May, 2010.

BY THE COURT:

s/Richard P. Matsch

SENIOR JUDGE, UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF COLORADO