

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior District Judge Richard P. Matsch

Civil Action No. 08-cv-01670-RPM

ERIK BRENDAN JENSEN,

Plaintiff,

v.

ARISTEDES W. ZAVARAS, Executive Director, Colorado Department of Corrections;
STEVE HARTLEY, Warden, Limon Correctional Facility, Limon, Colorado; and
JOHN SUTHERS, Attorney General, State of Colorado,

Defendants.

ORDER DENYING APPLICATION FOR CERTIFICATE OF APPEALABILITY AS
SUPPLEMENTED

On September 30, 2010, the petitioner Erik Jensen filed an application for certificate of appealability under 28 U.S.C. § 2253(c) from this Court's ruling in the Order Denying Writ entered September 24, 2010, and the judgment thereon. On October 7, 2010, the petitioner filed a supplement making an explicit request that the certificate of appealability include the July 16, 2010, order denying the petitioner's motion to amend the habeas corpus petition to add a claim under *Graham v. Florida*, ___ U.S. ___, 130 S.Ct. 2011 (May 17, 2010). It is now

ORDERED that the application for certificate of appealability, as supplemented, is denied.

DATED: October 8th, 2010

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior Judge