

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior Judge Zita L. Weinshienk

Civil Action No. 08-cv-02116-ZLW

RICHARD L. MONTOYA,

Petitioner,

v.

KEVIN MILYARD, SCF Warden,
ARISTED [sic] ZAVARAS, and
THE ATTORNEY GENERAL OF THE STATE OF COLORADO,

Respondents.

ORDER DENYING CERTIFICATE OF APPEALABILITY

This Court, in the above entitled proceedings, has rendered an Order denying petitioner's Application For A Writ Of Habeas Corpus Pursuant To 28 U.S.C. § 2254 and dismissing the case. The Court has reviewed the record which conclusively shows that petitioner is entitled to no relief. The reasons stated in the Order Of Dismissal filed February 5, 2009, are incorporated herein by reference as though fully set forth. Accordingly, the Court finds that a certificate of appealability should not issue because petitioner has not made a substantial showing of the denial of a constitutional right. It is, therefore,

ORDERED that no certificate of appealability will issue.

DATED at Denver, Colorado this 9th day of March, 2009.

BY THE COURT:

A handwritten signature in black ink, reading "Zita L. Weinsienk". The signature is written in a cursive style with a large initial "Z".

ZITA L. WEINSHIENK, Senior Judge
United States District Court