

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Christine M. Arguello**

Civil Action No. 09-cv-00344-CMA

LEROY E. VALDEZ,

Applicant,

v.

SUSAN JONES, Warden, and
THE ATTORNEY GENERAL OF THE STATE OF COLORADO,

Respondents.

ORDER REGARDING MOTION TO RECONSIDER

The matter before the Court is Applicant's Motion To Reconsider Dismissal Of Habeas Corpus Application And Or [sic] To Appoint Appellate Counsel Pursuant To Rules 59(e), 18 U.S.C. Sec. 3006A (Doc. # 49).

Applicant seeks reconsideration of the dismissal of his Amended Petition primarily on the grounds that this Court did not provide any reasoning or findings for its decision. As referenced in the Judgment (Doc. # 47), this Court entered an 18-page Order (Doc. # 46) which provided the legal reasons why the Amended Petition was dismissed.¹ Therefore, Applicant's objection is without merit.

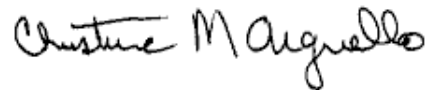
¹ This Court notes that a copy of the Order sent to Applicant's last provided address was returned as "refused" (Doc. No. 48; Sep. 20, 2010).

Additionally, Applicant seeks appointment of an appellate attorney. This Court does not find that appointment of counsel is appropriate.² Accordingly, it is

ORDERED that Applicant's Motion To Reconsider Dismissal Of Habeas Corpus Application And Or [sic] To Appoint Appellate Counsel Pursuant To Rules 59(e), 18 U.S.C. Sec. 3006A (Doc. # 49) is DENIED.

DATED: September 23, 2010

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge

² "There is no constitutional right to counsel beyond the direct appeal of a criminal conviction," unless there is a need for an evidentiary hearing. *Coronado v. Ward*, 517 F.3d 1212, 1218 (10th Cir. 2008) (*citing Swazo v. Shillinger*, 23 F.3d 332, 333-34 (10th Cir. 1994)). There was no need for an evidentiary hearing in the present case as Applicant did not meet his burden under 28 U.S.C. § 2254(e)(2). See *Coronado*, 517 F.3d at 1217-18.