

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

Civil Action No. 09-cv-01350-ZLW

GENE ALLEN,

Petitioner,

v.

PEOPLE OF THE STATE OF COLORADO,

Respondent.

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ORDER DENYING CERTIFICATE OF APPEALABILITY

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This Court, in the above entitled proceedings, has rendered an Order denying Petitioner's Motion To Modify An Illegal Sentence 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 July 23, 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 21<sup>st</sup> day of September, 2009.

BY THE COURT:



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ZITA L. WEINSHIENK, Senior Judge  
United States District Court