

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Honorable Marcia S. Krieger

Civil Action No. 09-cv-02203-MSK

NICHOLAS VALDEZ,

Applicant,

v.

RICHARD SMELSER, Warden, and
JOHN W. SUTHERS, The Attorney General of the State of Colorado,

Respondents.

ORDER DENYING LEAVE TO PROCEED IN FORMA PAUPERIS ON APPEAL

Applicant has submitted a Notice of Appeal. Applicant previously was allowed to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 in this court in this action. The court has examined the file and has determined that leave to proceed *in forma pauperis* on appeal must be denied. Pursuant to Rule 24(a)(3) of the Federal Rules of Appellate Procedure, the court finds that this appeal is not taken in good faith because applicant has not shown the existence of a reasoned, nonfrivolous argument on the law and facts in support of the issues raised on appeal. Accordingly, it is

ORDERED that leave to proceed *in forma pauperis* on appeal is denied because this appeal is not taken in good faith.

DATED this 28th day of April, 2011.

BY THE COURT:



Marcia S. Krieger
United States District Judge