

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Action No. 11-cv-03418-REB

RANDY KAILEY,

Applicant,

v.

WILLIAM PRICE, and
THE ATTORNEY GENERAL OF THE STATE OF COLORADO,

Respondents.

ORDER DENYING LEAVE TO PROCEED *IN FORMA PAUPERIS* ON APPEAL

Blackburn, J.

Applicant has submitted a Notice of Appeal. He 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. The Court further finds that a certificate of appealability should not issue because Applicant has not made a substantial showing of the denial of a constitutional right.

Accordingly, it is

ORDERED that leave to proceed *in forma pauperis* on appeal is denied. It is

FURTHER ORDERED that a certificate of appealability will not issue.

DATED at Denver, Colorado this 18th day of July, 2012.

BY THE COURT:

s/ Robert E. Blackburn
ROBERT E. BLACKBURN
United States District Judge