

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-00141-LTB

KEVIN PONIS,

Petitioner,

v.

STEVE HARTLEY, Warden of Arkansas Valley Correctional Facility,
TOM CLEMENTS, Executive Director, Colorado Director of Corrections (CDOC), and
JOHN SUTHERS, The Attorney General of the State of Colorado,

Respondents.

FINAL JUDGMENT

PURSUANT to and in accordance with Fed. R. Civ. P. 58(a) and the Orders entered during the course of proceedings in this case, the following FINAL JUDGMENT is hereby entered.

I. PURSUANT to and in accordance with the Order to Dismiss In Part and for Answer entered by the Honorable Lewis T. Babcock on August 7, 2012, incorporated herein by reference, it is

ORDERED that claims 1(e), 1(f), 1(g), 1(h), 1(i), 1(j) and 1(k), 2(a), 2(b), 2(c), 2(d), 2(e), 3(b) and 3(c) are DISMISSED as procedurally barred.

II. PURSUANT to and in accordance with the Order Denying Application for a Writ of Habeas Corpus entered by the Honorable Lewis T. Babcock on February 21, 2013, incorporated herein by reference, it is

ORDERED that the Amended Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 is DENIED. It is

FURTHER ORDERED that final judgment is hereby entered in favor of Respondents, Steve Hartley, Tom Clements, and John Suthers, and against Petitioner, Kevin Ponis. It is

FURTHER ORDERED that petitioner's Amended Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 and this civil action are DISMISSED WITH PREJUDICE. It is

FURTHER ORDERED that there is no basis on which to issue a certificate of appealability pursuant to 28 U.S.C. § 2253(c). It is

FURTHER ORDERED that each party shall bear his own costs and attorney's fees.

DATED at Denver, Colorado this 2nd day of April, 2013.

FOR THE COURT:

JEFFREY P. COLWELL, CLERK

s/ Edward P. Butler
Edward P. Butler,
Deputy Clerk