

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 12-cv-01363-WYD

JOSE ARTURO PENA,

Applicant,

v.

S. HARTLEY, Warden, Arkansas Valley Corr. Fac., and
THE ATTORNEY GENERAL OF THE STATE OF COLORADO,

Respondents.

MINUTE ORDER

ORDER ENTERED BY SENIOR JUDGE WILEY Y. DANIEL

This matter is before me on the Motion for Certificate of Appealability, characterized as an Application for Certificate of Appealability (ECF No. 26), and Prisoner's Motion and Affidavit for Leave to Proceed on Appeal Pursuant to 28 U.S.C. § 1915 and Fed. R. App. P. 24 in a Habeas Corpus Action, characterized as a Motion for Leave to Proceed In Forma Pauperis on Appeal (ECF No. 27), that Applicant filed on July 2, 2013. The motions are DENIED as moot because the Order Denying 28 U.S.C. § 2254 Application (ECF No. 24) entered on May 28, 2013, already denied a certificate of appealability and leave to proceed in forma pauperis on appeal. ECF No. 24 at 35-36.

Dated: July 3, 2013
