

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge William J. Martínez**

Civil Action No. 13-cv-01378-WJM

MACK THOMAS,

Applicant,

v.

RAE TIMME, Warden, and
THE ATTORNEY GENERAL OF THE THE STATE OF COLORADO,

Respondents.

FINAL JUDGMENT

Pursuant to and in accordance with Fed. R. Civ. P. 58(a), all Orders entered in this case and the Order on Application for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254, entered by the Honorable William J. Martínez, United States District Judge, on October 8, 2013,

IT IS ORDERED that

1. Applicant Mack Thomas's *pro se* Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 is DENIED. Final Judgment is entered for Respondents and against the Petitioner and this action is DISMISSED WITH PREJUDICE.
2. No certificate of appealability will issue because Applicant has not made a substantial showing of the denial of a constitutional right.
3. *In forma pauperis* status is DENIED for the purpose of appeal. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal

from this order would not be taken in good faith, see *Coppedge v. United States*, 369 U.S. 438 (1962). If Applicant files a notice of appeal he must also pay the full \$455 appellate filing fee or file a motion to proceed *in forma pauperis* in the United States Court of Appeals for the Tenth Circuit within thirty days in accordance with Fed. R. App. P. 24.

Dated at Denver, Colorado this 10th day of October 2013.

BY THE COURT:

JEFFREY P. COLWELL, CLERK

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