

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Chief Judge Philip A. Brimmer

Civil Action No. 14-cv-02175-PAB

DELMART J. M. VREELAND, II,

Applicant,

v.

DAVID ZUPAN and
THE ATTORNEY GENERAL OF THE STATE OF COLORADO,

Respondents.

ORDER

This matter is before me on an Order, Docket No. 107, entered by the United States Court of Appeals for the Tenth Circuit. In the Order, the Tenth Circuit partially remanded this matter for consideration of whether a certificate of appealability should issue in connection with Applicant's pending appeal. Applicant filed a Notice of Appeal, Docket No. 104, regarding my denial of relief under Fed. R. Civ. P. 60(b) from a prior judgment dismissing his 28 U.S.C. § 2254 application.

"A certificate of appealability may issue . . . only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c). To obtain a certificate of appealability Applicant must demonstrate the issues raised are debatable among jurists of reason, that a court could resolve the issues differently, or that the questions presented are deserving of further proceedings. See *Slack v. McDaniel*, 529 U.S. 473, 483-84 (2000). I find that Applicant fails to demonstrate that the denial of relief under Fed. R. Civ. P. 60(b) was incorrect, that my conclusions in the

Order of Dismissal were incorrect, or that his underlying constitutional claims have merit. Therefore, I decline to issue a certificate of appealability. Accordingly, it is

ORDERED that no certificate of appealability will issue. It is further

ORDERED that the Motion for an Indicative Ruling, Docket No. 108, is DENIED for the same reasons set forth in the July 2, 2019 Order, Docket No. 103.

DATED July 18, 2019.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
Chief United States District Judge