

February 12, 2008

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

WILLIAM M. LEE, also known as
William Lee,

Petitioner-Appellant,

v.

GARY WAKINS; COLORADO
ATTORNEY GENERAL,

Respondents-Appellees.

No. 07-1461
(D. Colorado)
(D.C. No. 03-cv-0072-MSK-PAC)

ORDER

Before **BRISCOE, MURPHY,** and **HARTZ,** Circuit Judges.

This matter is before the court on William M. Lee’s *pro se* request for a certificate of appealability (“COA”). We note at the outset that this appeal, No. 07-1461, is closely related to a separate appeal, No. 07-1072, recently resolved by this court. *See Lee v. Wakins*, No. 07-1072, 2007 WL 4179092 (10th Cir. Nov. 27, 2007) (denying COA and dismissing Lee’s appeal from district court’s denial of his 28 U.S.C. § 2254 habeas corpus petition). In this particular appeal, Lee seeks a COA so he can appeal the district court’s overruling of his objection to his appointed counsel’s motion to withdraw. 28 U.S.C. § 2253(c)(1)(A) (providing that no appeal may be taken from a “final order in a habeas corpus

proceeding in which the detention complained of arises out of process issued by a State court,” unless the petitioner first obtains a COA).

After the district court denied Lee’s § 2254 habeas petition (the subject of appeal No. 07-1072), appointed counsel moved to withdraw. Lee filed a pro se objection to counsel’s motion to withdraw. The district court granted the motion to withdraw and then overruled Lee’s objection as moot. Lee then filed a notice of appeal from that decision (the subject of the instant appeal No. 07-1461). As noted above, this court recently denied Lee a COA and dismissed his appeal (No. 07-1072) of the district court’s resolution of his § 2254 habeas petition. *Lee v. Wakins*, No. 07-1072, 2007 WL 4179092 (10th Cir. Nov. 27, 2007). Prior to the issuance of this court’s order denying COA in appeal number 07-1072, this court independently granted appointed counsel’s motion to withdraw. In light of this court’s independent order granting appointed counsel’s motion to withdraw, which superseded the district court’s order allowing withdrawal, and our denial of Lee’s request for a COA in appeal number 07-1072, Lee’s appeal from the district court’s order overruling his objection to counsel’s motion to withdraw is moot. Accordingly, this appeal is hereby **DISMISSED** as moot.

ENTERED FOR THE COURT

Elisabeth A. Shumaker, Clerk