

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

August 27, 2025

FOR THE TENTH CIRCUIT

Christopher M. Wolpert
Clerk of Court

GREGG PHILIP MCMURTRY,

Petitioner – Appellant,

v.

COLORADO BOULDER COUNTY
COURTS (ALL JUDGES),

Respondent – Appellee.

No. 25-1150
(D.C. No. 1:24-CV-01978-LTB-RTG)
(D. Colo.)

ORDER DENYING CERTIFICATE OF APPEALABILITY

Before **BACHARACH, MORITZ**, and **ROSSMAN**, Circuit Judges.

Mr. Gregg McMurtry seeks habeas relief, claiming that he shouldn't be subject to pretrial detention. *See* 28 U.S.C. § 2241. The district court denied habeas relief based on the need to abstain and Mr. McMurtry's failure to clearly state a cognizable claim. Mr. McMurtry seeks to appeal, but he can do so only by obtaining a certificate of appealability. 28 U.S.C. § 2253(c)(1)(A).

We can issue the certificate only upon a showing that reasonable jurists could debate the correctness of the district court's ruling on the need to abstain and the failure to state a cognizable claim. *Slack v. McDaniel*, 529 U.S. 473, 478 (2000). Because Mr. McMurtry appears pro

se, “we liberally construe his filings, but we will not act as his advocate.”
James v. Wadas, 724 F.3d 1312, 1315 (10th Cir. 2013).

Even liberally construed, Mr. McMurtry’s brief fails to address the district court’s reliance on abstention. We thus deny Mr. McMurtry’s request for a certificate of appealability. *See Nixon v. City & Cnty. of Denver*, 784 F.3d 1364, 1366 (10th Cir. 2015) (“The first task of an appellant is to explain to us why the district court’s decision was wrong.”). And in the absence of a certificate, we dismiss the matter.¹

Entered for the Court

Robert E. Bacharach
Circuit Judge

¹ Mr. McMurtry has also moved to proceed in forma pauperis. Because he cannot afford the filing fee, we grant leave to proceed in forma pauperis.