UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

SALVADOR NICOLA NEGRETE, II,

Plaintiff,

v.

DERRAL G. ADAMS, et al.,

Defendants.

_____/

CASE NO. 1:08-cv-01284-YNP PC

ORDER

(Doc. 15)

Plaintiff Salvador Nicola Negrete, II ("Plaintiff") is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. On June 12, 2009, Plaintiff filed an "application for certificate of appealability" pursuant to Federal Rule of Appellate Procedure 22. (Doc. #15.) Federal Rule of Appellate Procedure 22 only applies to habeas corpus proceedings. It is not necessary to receive a certificate of appealability in a section 1983 action. The Court notes that Plaintiff's appeal was denied by the Ninth Circuit on September 16, 2009. (Doc. #19.)

Accordingly, it is HEREBY ORDERED that Plaintiff's application is DENIED.

IT IS SO ORDERED.

Dated: March 1, 2010

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE

Dockets.Justia.com