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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FRANCIS W. DAVIS,

CASE NO. 1:10-cv-0495-AWI-MJS (PC)

Plaintiff,

ORDER DENYING PLAINTIFF'S MOTION
FOR A CERTIFICATE OF APPEALABILITY

v.

(ECF No. 32)

LLOYD, et. al.,

Defendants.

_____/

Plaintiff Francis W. Davis ("Plaintiff") is a state prisoner formerly proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983.

Plaintiff initiated this action on March 19, 2010. (ECF No. 1.) The Court screened Plaintiff's original Complaint on December 22, 2011, and dismissed it with leave to amend. (ECF No. 12.) Plaintiff filed his First Amended Complaint on March 7, 2012. (Am. Compl., ECF No. 15.) The Court screened and dismissed Plaintiff's First Amended Complaint for failure to state a claim. (ECF Nos. 17 & 23.) Plaintiff's case was closed on September 4, 2012. (ECF No. 24.)

On October 15, 2012, Plaintiff filed a motion for a certificate of appealability. (ECF No. 32.) No such certificate is required in or applicable to this type of case. Accordingly, Plaintiff's motion is DENIED.

IT IS SO ORDERED.

Dated: March 22, 2013

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE