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IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA

JAMES CATO, JR.,

1:10-cv-00793-AWI-MJS (PC)

Plaintiff,

ORDER DENYING PLAINTIFF'S  
MOTION TO EXTEND TIME TO FILE A  
NOTICE OF APPEAL AS MOOT AND  
DENYING PLAINTIFFS MOTION FOR A  
CERTIFICATE OF APPEALABILITY

v.

T. AVILA, et al,

Defendants.

(ECF Nos. 65 & 68)

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Plaintiff James Cato ("Plaintiff") is a prisoner proceeding pro se in a civil rights action pursuant to 42 U.S.C. § 1983. On July 19, 2012, Plaintiff filed a motion to extend time to file a notice of appeal. (ECF No. 65.) Plaintiff has since filed a notice of appeal. (ECF No. 67.) Accordingly, Plaintiff's motion to extend time to file a notice of appeal should be denied.

On July 30, 2012, Plaintiff filed a motion for a certificate of appealability. (ECF No. 68.) A certificate of appealability is not required for actions like Plaintiff's 42 U.S.C. § 1983 civil rights action. Plaintiff's motion should be denied.

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Accordingly, it is hereby ORDERED that:

1. Plaintiff's motion for an extension of time (ECF No 65) is DENIED as moot;  
and
2. Plaintiff's motion for a certificate of appealability (ECF No. 68) is DENIED.

IT IS SO ORDERED.

Dated: September 17, 2012      */s/ Michael J. Seng*  
UNITED STATES MAGISTRATE JUDGE