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8	UNITED STATES DISTRICT COURT	
9	EASTERN DISTRICT OF CALIFORNIA	
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11	WINONA WEATHERS,	CASE NO. 1:13-cv-01932-AWI-MJS (PC)
12	Plaintiff,	ORDER DENYING MOTION FOR
13	V.	CERTIFICATE OF APPEALABILITY
14	M. HAGEMEISTER MAY, et al.	(ECF No. 26)
15	Defendants.	
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18	Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil	
19	rights action brought pursuant to 42 U.S.C. § 1983. Her first amended complaint was	
20	dismissed for failure to state a claim, and the action was closed. (ECF Nos. 24, 25.)	
21	Before the Court is Plaintiff's December 16, 2015 motion for a certificate of appealability.	
22	(ECF No. 26.)	
23	The requirement for the issuance of a certificate of appealability arises under 28	
24	U.S.C. § 2253, which provides:	
25	(c)(1) Unless a circuit justice or judge issues a certificate of appealability,	
26	an appeal may not be taken to the court of appeals from—	
27	(A) the final order in a habeas corpus proceeding in which the	
28	detention complained of arises out of process issued by a State court; or	

1	(B) the final order in a proceeding under section 2255.
2	28 U.S.C. § 2253.
3	Section 2253 applies only to petitions for writ of habeas corpus. It does not apply
4	to civil rights actions, such as the instant action, brought pursuant to 42 U.S.C. § 1983.
5	Accordingly, Plaintiff's request for a certificate of appealability is HEREBY
6	DENIED.
7 8	IT IS SO ORDERED.
9	Dated: <u>December 18, 2015</u> Isl Michael J. Seng
10	Dated: <u>December 18, 2015</u> /s/ <i>Michael J. Seng</i> UNITED STATES MAGISTRATE JUDGE
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