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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MAURICE MILES, SR.,

Plaintiff,

v.

R. COX, et al.,

Defendants.

Case No. 1:14-cv-01683-SKO (PC)

ORDER DENYING MOTION FOR
ISSUANCE OF CERTIFICATE OF
APPEALABILITY

(Doc. 15)

Plaintiff Maurice Miles, Sr., a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on October 28, 2014. This action was dismissed on April 22, 2015, with prejudice, for failure to state a claim under section 1983. 28 U.S.C. § 1915A. On May 12, 2015, Plaintiff filed a motion seeking the issuance of a certificate of appealability.

A certificate of appealability must be obtained to appeal a decision in a habeas proceeding; it has no application in this civil rights case. 28 U.S.C. § 2253(c)(1)(A); *Miller-El v. Cockrell*, 537 U.S. 322, 335-36, 123 S.Ct. 1029 (2003). Accordingly, Plaintiff's motion is HEREBY DENIED.

IT IS SO ORDERED.

Dated: May 14, 2015

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE