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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RAUL GARZA,

Plaintiff,

v.

NEWS BROADCASTING CENTERS, et al.,

Defendants.

Case No. **1:17-cv-01389-DAD-SKO (PC)**

**ORDER ON PLAINTIFF’S MOTION FOR
CERTIFICATE OF APPEALABILITY**

(Doc. 13)

Plaintiff, Raul Garza, is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action was dismissed with prejudice on January 31, 2018, based on Plaintiff’s failure to state a cognizable claim. 28 U.S.C. § 1915A. Over a year later, on April 25, 2019, Plaintiff filed a motion seeking the issuance of a certificate of appealability. (Doc. 13.) Plaintiff’s motion is unnecessary.

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 (2003). The Court notes that Plaintiff did not file a notice of appeal in this action, and the time for doing so lapsed in 2018. See Fed. R. App. Pro. 4. Accordingly, Plaintiff’s motion, (Doc. 13), is hereby **DISREGARDED**.

IT IS SO ORDERED.

Dated: April 30, 2019

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE