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

A.C. ROBINSON,

Plaintiff,

No. CIV S-05-0342 JAM DAD P

vs.

D.L. RUNNELS,

Defendant.

ORDER

_____ /

Plaintiff is a state prisoner proceeding pro se and seeking relief pursuant to 42 U.S.C. § 1983. On October 16, 2009, the assigned district judge dismissed this action without prejudice due to plaintiff's failure to exhaust administrative remedies. Pending before the court is plaintiff's motion for a certificate of appealability.

Plaintiff is advised that the requirements for a certificate of appealability apply to claims for habeas corpus relief. Plaintiff does not need a certificate of appealability to appeal from the dismissal of his civil rights action brought under § 1983.

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1 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for a certificate
2 of appealability (Doc. No. 66) is denied as unnecessary.

3 DATED: February 22, 2010.

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6 _____
7 DALE A. DROZD
8 UNITED STATES MAGISTRATE JUDGE

7 DAD:9
8 robi0342.coa

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