IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

SALADIN RUSHDAN,

Plaintiff, No. 2:06-cv-0729 GEB KJN P

vs.

T. PERBULA, et al.,

Defendants. ORDER

_____/

Plaintiff is a state prisoner proceeding without counsel with a civil rights action pursuant to 42 U.S.C. § 1983. On July 23, 2010, plaintiff filed a motion for certificate of appealability. (Dkt. No. 72.) However, certificates of appealability are only required in habeas proceedings filed pursuant to 28 U.S.C. § 2254 or 28 U.S.C. § 2255. 28 U.S.C. § 2253. Accordingly, plaintiff's motion will be denied as unnecessary.

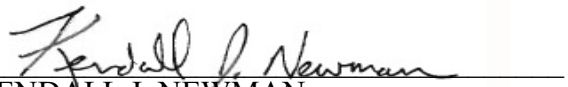
On August 19, 2010, plaintiff filed a document entitled "Motion of Objection to Judges Decision Dated: August 6, 2010." (Dkt. No. 75.) Plaintiff states he mailed objections to the findings and recommendations on or about June 24, 2010. Plaintiff seeks a stay or "reversal" of the court's order "until the court or the prison locates said motion." (Id.) Plaintiff is advised that the court did not receive the objections and, until plaintiff re-sends a copy of the objections, the court cannot stay or reverse its order.

In accordance with the above, IT IS HEREBY ORDERED that:

1. Plaintiff's July 23, 2010 motion (Dkt. No. 72) is denied; and

2. Plaintiff's August 19, 2010 motion (Dkt. No. 75) is denied.

DATED: August 23, 2010



KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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