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

10 DEWEY TERRY,

11 Plaintiff,

No. CIV S-10-0068 MCE GGH P

12 vs.

13 JOHN HIVILAND, et al.,

14 Defendants.

ORDER

15 \_\_\_\_\_/  
16 Plaintiff, a state prisoner proceeding pro se sought relief pursuant to 42 U.S.C. §  
17 1983. This case was closed on May 31, 2011. On June 21, 2011, plaintiff filed a motion for a  
18 certificate of appealability. A certificate of appealability is not required for a civil rights action  
19 brought pursuant to 42 U.S.C § 1983. See 28 U.S.C. § 2253. This motion is therefore vacated  
20 and will be disregarded.

21 IT IS HEREBY ORDERED that plaintiff's motion (Doc. 48) is vacated and will  
22 be disregarded.

23 DATED: October 7, 2011

24 /s/ Gregory G. Hollows  
25 UNITED STATES MAGISTRATE JUDGE

26 GGH: AB  
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