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

PHILLIP L. BROWN,

Plaintiff,

No. 2:10-cv-01720-LKK-DAD P

vs.

MIKE McDONALD,

Defendant.

ORDER

_____ /

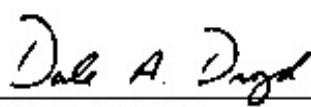
On July 9, 2012, judgment was entered and this civil rights action was closed. On July 30, 2012, plaintiff filed a document styled, "Petitioner's Application For Certificate Of Appealability (COA) To District Court." Plaintiff seeks a certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. Plaintiff is informed that his appeal to the Ninth Circuit Court of Appeals has been processed and that a certificate of appealability is not necessary to pursue on appeal in a civil rights, as opposed to a habeas corpus or 28 U.S.C. § 2255, action.

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Accordingly, IT IS HEREBY ORDERED that plaintiff's July 30, 2012 motion for a certificate of appealability (Doc. No. 39) is denied as unnecessary.

DATED: August 20, 2012.



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

DAD:4
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