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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

OSHAY JOHNSON,  
Plaintiff,  
v.  
J. JOHNSTON, et al.,  
Defendants.

No. 2:13-cv-1730 KJM KJN P

ORDER

Plaintiff is a state prisoner proceeding without counsel with a civil rights action pursuant to 42 U.S.C. § 1983. On July 31, 2014, plaintiff’s second amended complaint was dismissed with prejudice, and judgment was entered. On August 18, 2014, and September 5, 2014, plaintiff filed requests that the court issue a certificate of appealability pursuant to 28 U.S.C. § 2253.

However, § 2253 governs appeals brought in applications for writ of habeas corpus brought pursuant to 28 U.S.C. §§ 2254 or 2255. 28 U.S.C. § 2253. “In a habeas corpus proceeding or a proceeding under section 2255 before a district judge, the final order shall be subject to review, on appeal, by the court of appeals for the circuit in which the proceeding is held.” 28 U.S.C. § 2253(a).

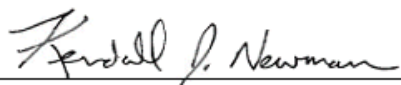
Here, plaintiff filed a civil rights action under 42 U.S.C. § 1983; thus, no certificate of appealability is required. Moreover, plaintiff’s appeal has been processed to the Court of Appeals for the Ninth Circuit. Thus, no further filings are required or appropriate in this closed action.

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Accordingly, IT IS HEREBY ORDERED that plaintiff's requests (ECF Nos. 28, 30) are denied.

Dated: September 10, 2014

john1730.coad

  
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE