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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

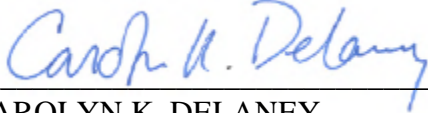
WARREN FRANK, JR.,
Plaintiff,
v.
JEFF MACOMBER, et al.,
Defendants.

No. 2:15-cv-2133 KJM CKD P

ORDER

Plaintiff has filed a motion for the appointment of counsel. Since judgment has been entered in this case, and plaintiff has filed a notice of appeal, plaintiff's motion (ECF No. 42) is hereby denied without prejudice to refile in the Ninth Circuit Court of Appeals.¹

Dated: September 28, 2016


CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

¹
frank2133.ca

¹ Also, plaintiff has filed an "application for a certificate of appealability." While obtaining a certificate of appealability is a prerequisite for bringing an appeal in a federal habeas corpus action, see 28 U.S.C. § 2253, there is no such requirement for bringing an appeal in a 42 U.S.C. § 1983 action such as this.