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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ERIC ANDERSON,

Plaintiff,

v.

B. MENDOZA, et al.,

Defendants.

No. 2:17-cv-1244 KJM DB P

ORDER

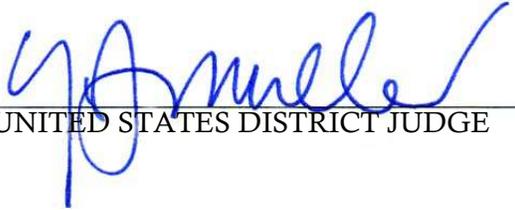
On February 12, 2019, this court adopted the magistrate judge’s findings and recommendations and dismissed plaintiff’s § 1983 claims. ECF No. 26. Movant has filed a notice of appeal, ECF No. 28 and a motion for a certificate of appealability, ECF No. 30.

Plaintiff does not need a certificate of appealability to appeal this case. The certificate of appealability requirement only applies to claims for habeas corpus relief arising under 28 U.S.C. § 2254 or § 2255. *See* Fed. R. App. P. 22(b); *see also Hulihan v. Reg’l Transp. Comm’n of S. Nevada*, No. 2:09-CV-01096-ECR, 2012 WL 3135681, at \*1 (D. Nev. Aug. 1, 2012); *Dalluge v. U.S. Dep’t of Justice*, No. C11–5037RBL, 2011 WL 1675407, at \*1 (W.D. Wash. May 4, 2011) (“As this case was brought pursuant to 42 U. S.C. § 1983, there is no requirement for a certificate of appealability.”); *Jenkins v. Caplan*, No. C 02–5603 RMW (PR), 2010 WL 3057410, at \*1 (N.D. Cal. Aug. 2, 2010) (“[A] Certificate of Appealability is

1 inapplicable to a § 1983 action.”). Plaintiff’s request for a certificate of appealability, ECF No.  
2 30, is therefore DENIED as moot.

3 IT IS SO ORDERED.

4 DATED: April 19, 2019.

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7 UNITED STATES DISTRICT JUDGE  
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