

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BENNY WILLIAMS,
Plaintiff,
v.
GAVIN NEWSOME, *et al.*,
Defendants.

Case No. 2:19-cv-02229-KJM-JDP (PC)
ORDER DENYING PLAINTIFF’S MOTION
FOR AN APPLICATION FOR
CERTIFICATION OF APPEALABILITY

Plaintiff is a state prisoner proceeding without counsel in this civil rights action brought under 42 U.S.C. § 1983. Plaintiff has filed a motion seeking an application for certification of appealability. ECF No. 67. Plaintiff’s motion is denied as unnecessary because his case does not require a certificate of appealability. The requirement for a certificate of appealability 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 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 inapplicable to a § 1983 action.”); *Moore v. Hindmarch*, No. CV 09-1461-PHX-GMS (JRI), 2010 WL 3283567, at *1 (D. Ariz. Aug. 18, 2010) (“[A] certificate of appealability is not required to appeal the dismissal and entry of judgment in a *pro se* civil rights action brought pursuant to 42 U.S.C. § 1983.”).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IT IS SO ORDERED.

Dated: September 14, 2022



JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE