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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MARCUS L. HARRISON,  
Plaintiff,

No. C 07-959 SI (pr)

**ORDER**

v.

OFFICER J. SAMPLE,  
Defendant.

Plaintiff's request for a certificate of appealability is DENIED as unnecessary. (Docket # 42.) Certificates of appealability are only required for habeas actions, which this civil rights action is not.

Plaintiff's motion for appointment of counsel is DENIED because judgment has already been entered against him. (Docket # 43.) This denial is without prejudice to him filing such a motion in the U.S. Court of Appeals for the Ninth Circuit. All further motions should be filed in the Ninth Circuit.

IT IS SO ORDERED.

Dated: October 1, 2008

  
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SUSAN ILLSTON  
United States District Judge

United States District Court  
For the Northern District of California