

United States District Court
For the Northern District of California

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
NORTHERN DISTRICT OF CALIFORNIA

FRANCISCO GONZALEZ,
Plaintiff,

No. C 07-2303 MHP (pr)

ORDER

v.

D. L. RUNNELS; et al.,
Defendants.

Plaintiff's requests for a transcript designation form and a certificate of appealability are DENIED. (Docket # 153.) No hearings were held and there are no transcripts to be designated. A certificate of appealability is only necessary to appeal from a judgment in a habeas action, which this civil rights action is not.

Plaintiff's request to have the Marshal serve process on defendant Clark is DENIED. (Docket # 154.) Plaintiff does not explain why he waited almost four years to provide that information to the court. Further, as the court explained in the order granting summary judgment for remaining defendants, the failure of proof on plaintiff's rotator cuff claim would apply to the unserved defendant Clark as well as to the defendants who were served with process and moved for summary judgment.

IT IS SO ORDERED.

Dated: March 21, 2011


Marilyn Hall Patel
United States District Judge