

United States District Court  
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOSEPH ARTHUR RODRIGUEZ,  
Plaintiff,  
v.  
M. S. EVANS, et al.,  
Defendants.

No. C 05-05068 SBA (PR)


**ORDER DENYING MOTION FOR  
CERTIFICATE OF APPEALABILITY AS  
UNNECESSARY**

In this pro se civil rights action, Plaintiff filed a Motion for a Certificate of Appealability ("COA") and a Notice of Appeal. However, a COA, formerly known as a certificate of probable cause to appeal, is only required in a habeas corpus proceeding. See 28 U.S.C. § 2253(c). Therefore, Plaintiff's request for a COA is DENIED as unnecessary.

This Order terminates Docket no. 85.

IT IS SO ORDERED.

DATED: 9/2/09

  
SAUNDRA BROWN ARMSTRONG  
United States District Judge

1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA

4 RODRIGUEZ,  
5 Plaintiff,

Case Number: CV05-05068 SBA

**CERTIFICATE OF SERVICE**

6 v.

7 EVANS et al,  
8 Defendant.

9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District  
10 Court, Northern District of California.

11 That on September 3, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said  
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said  
13 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle  
14 located in the Clerk's office.

15 Joseph Arthur Rodriguez K66400  
16 Centinela State Prison  
17 P.O. Box 731  
18 Imperial, CA 92251-0731

Dated: September 3, 2009

Richard W. Wieking, Clerk  
By: LISA R CLARK, Deputy Clerk