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United States District Court  
Northern District of California

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BRIAN K. CARTER,  
Plaintiff,  
v.  
OATH HOLDINGS INC.,  
Defendant.

Case No. 17-cv-07086-KAW

**ORDER DENYING MOTION FOR A  
CERTIFICATE OF APPEALABILITY**

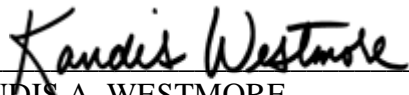
Re: Dkt. No. 90

On November 5, 2018, the Court granted Defendant’s motion to dismiss the case with prejudice and entered judgment against Plaintiff. (Dkt. Nos. 86, 87.) Plaintiff subsequently filed an appeal. (Dkt. No. 89.) On December 26, 2018, Plaintiff filed a motion for a certificate of appealability. (Dkt. No. 90.)

Plaintiff’s motion is DENIED. A certificate of appealability is required “when a habeas corpus petitioner seeks to initiate an appeal of the dismissal of a habeas corpus petition after April 24, 1996 . . . .” *Slack v. McDaniel*, 529 U.S. 473, 478 (2000). As this case is a trademark infringement case, not a habeas petition, no certificate of appealability is required.

IT IS SO ORDERED.

Dated: January 4, 2019

  
KANDIS A. WESTMORE  
United States Magistrate Judge