

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

**\*E-FILED - 11/30/10\***

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

JAMES WILSON CALLOWAY,	)	No. C 07-2335 RMW (PR)
	)	
Plaintiff,	)	ORDER DENYING PLAINTIFF'S POST-
v.	)	JUDGMENT MOTIONS
	)	
	)	(Docket Nos. 143, 144, 146, 149, 151, 153,
CALIFORNIA DEPARTMENT OF	)	154, 155)
CORRECTIONS AND	)	
REHABILITATION, et al.,	)	
	)	
Defendants.	)	
_____	)	

Plaintiff, an inmate at Central Training Facility North, filed a pro se civil rights complaint pursuant to 42 U.S.C. § 1983. On July 16, 2010, plaintiff filed a motion to alter or amend the judgment. On August 20, 2010, the court denied the motion.<sup>1</sup> That same day, plaintiff filed a third motion to alter or amend the judgment. Plaintiff's motion fails to satisfy any of the factors listed in Rule 60(b) to warrant reconsideration. Thus, plaintiff's third motion to alter or amend the judgment is DENIED.

On August 2, 2010, plaintiff filed an application for a certificate of appealability. Plaintiff's application is DENIED because a certificate of appealability is inapplicable to a § 1983 action.

<sup>1</sup> On August 12, 2010, plaintiff filed an identical motion to alter or amend the judgment. For the reasons stated in the court's August 20, 2010 order denying the first motion to alter or amend the judgment, the second motion is also denied.

1 On August 12, September 13, October 1, and October 5, 2010, plaintiff filed four  
2 identical motions for hearing transcripts to be paid by the government, pursuant to 28 U.S.C.  
3 § 753(f). Section 753(f) allows the court to order the government to pay for transcripts only if  
4 “the trial judge or a circuit judge certifies that the appeal is not frivolous and the transcript is  
5 needed to decide the issue presented by the suit or appeal.” 28 U.S.C. § 753(f). However, here,  
6 no hearings occurred and, therefore, there is nothing to transcribe. Thus, plaintiff’s motions for  
7 hearing transcripts is DENIED.

8 Finally, on September 13, 2010, plaintiff filed a motion for summary judgment as well as  
9 a motion for subpoenas duces tecum. These motions are DENIED.

10 The Clerk shall terminate all pending motions. No further filings will be accepted in this  
11 closed case.

12 IT IS SO ORDERED.

13 DATED: 11/30/10

  
RONALD M. WHYTE  
United States District Judge