

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

KENNETH ADRIAN FULLER,	) No. C 10-2546 RMW (PR)
	)
Plaintiff,	) ORDER DENYING PLAINTIFF'S
	) MOTION FOR CERTIFICATE OF
v.	) APPEALABILITY; DENYING
	) PLAINTIFF'S MOTION FOR
WILLIAM MARYOWI, et al.,	) APPOINTMENT OF COUNSEL
	)
Defendants.	)
_____	)

Plaintiff Kenneth Adrian Fuller, proceeding pro se, filed a civil rights complaint pursuant to 42 U.S.C. § 1983.

On August 17, 2010, the court ordered a partial dismissal of claims against most defendants except for: Ortiz, Dipman, Sonora County Probation Department, Shanahan, Hutson, Frei, McKinnis and Daily.

On September 2, 2010, plaintiff filed a "Motion for Certificate of Appealability under Federal Rule 60(b) . . ." Because the court's August 17, 2010 order was not a "final" order, see Fed. R. Civ. P. 54(b), and a Certificate of Appealability is inapplicable to a § 1983 action, plaintiff's motion for a certificate of appealability is DENIED.

This order terminates docket nos. 21 and 22.

IT IS SO ORDERED.

DATED: 11/30/10

  
 \_\_\_\_\_  
 RONALD M. WHYTE  
 United States District Judge