

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-00105-PAB-BNB

ERIC MARSHALL,

Plaintiff,

v.

KEVIN ESTEP,

Defendant.

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**MINUTE ORDER**

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**Entered by Judge Philip A. Brimmer**

This matter is before the Court on the "Motion: Requesting an Appealability Under 2253" (Doc. No. 51) filed by Plaintiff on March 25, 2010. A certificate of appealability under 28 U.S.C. § 2253 is required in an appeal of a habeas action. The instant action is a civil complaint that was filed pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 1343. Plaintiff's Motion, therefore, is DENIED as unnecessary.

Dated: April 16, 2010