

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

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| <p>TROY DELMAR JOHNSON,</p> <p style="padding-left: 40px;">Plaintiff,</p> <p style="padding-left: 40px;">v.</p> <p>WARDEN AHMED HOLT, et al.,</p> <p style="padding-left: 40px;">Defendants.</p> | <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> | <p>CIVIL ACTION NO. 5:14-CV-380 (MTT)</p> |
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ORDER

Johnson, pro se, has filed a *Motion for an Extension of Time so Plaintiff File Appeal* (sic). Doc. 80. On the same day, Johnson filed a notice of intent to appeal. Doc. 81. Because Johnson has filed a notice of appeal, his motion for extension is **MOOT**, or, in the alternative, reconstrued as a notice of appeal. *Cf. Rinaldo v. Corbett*, 256 F.3d 1276, 1279 (11th Cir. 2001) (“[W]e conclude that [the plaintiff’s] motion for extension of time to file his notice of appeal should be construed as a notice of appeal.”). The Clerk is directed to forward Docs. 80 and 81 to the Eleventh Circuit as notice of Johnson’s appeal.

In Doc. 81, Johnson requests a certificate of appealability. Doc. 81 at 1. This is a 42 U.S.C. § 1983 action, so a certificate of appealability is not required. *Cf.* 28 U.S.C. § 2253(c)(1) (requiring issuance of certificate of appealability in habeas actions). Accordingly, Johnson’s request of a certificate of appealability is **DENIED** as moot.

SO ORDERED, this 12th day of April, 2017.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT