

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

ERIC SMITH (#132195)

CIVIL ACTION

VERSUS

SGT. ROBERT FRANKLIN, ET AL.

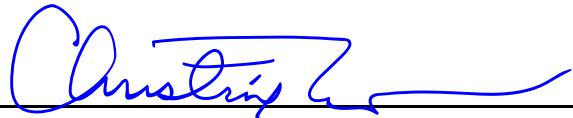
NO. 10-0138-RET-CN

O R D E R

This matter comes before the Court on the plaintiff's motion for a certificate of appealability, rec.doc.no. 17. However, inasmuch as it is not necessary for the plaintiff to obtain a certificate of appealability when perfecting an appeal from a judgment entered in a non-habeas proceeding brought pursuant to 42 U.S.C. § 1983,

**IT IS ORDERED** that the plaintiff's motion for a certificate of appealability, rec.doc.no. 17, be and it is hereby **DENIED**.

Signed in chambers in Baton Rouge, Louisiana, September 23, 2010.



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MAGISTRATE JUDGE CHRISTINE NOLAND