

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF RHODE
ISLAND**

**Richard Paiva, as successor to Joseph Morris, individually and on
behalf of all others similarly situated v. Wayne Salisbury, in his
capacity as the Director of the State of Rhode Island Department of
Corrections, as successor to Anthony Travisono**

Paiva v. Salisbury · No. C.A. No. 69-04192JJM-PAS · Decided April 17, 2026

SUMMARY

The court denies pro se class member Joseph W. Shepard's motion for a certificate of appealability under 28 U.S.C. § 2253 because the underlying civil action is not a habeas corpus proceeding. The order explains that any objection to a magistrate judge's nondispositive ruling must comply with the District of Rhode Island's local procedures and deadlines.

OPINION

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF RHODE ISLAND RICHARD PAIVA, as successor to: JOSEPH MORRIS, individually and on behalf: of all others similarly situated,: Plaintiff,: v.: C.A. No. 69-04192JJM-PAS WAYNE SALISBURY, in his capacity as the: Director of the State of Rhode Island: Department of Corrections, as successor: to ANTHONY TRAVISONO,: Defendant.: In re Motion of Class Member Joseph: W. Shepard for Certificate of Appealability: ORDER PATRICIA A. SULLIVAN, United States Magistrate Judge.

Pro se Class Member Joseph W. Shepard has filed a motion for a certificate of appealability pursuant to 28 U.S.C. § 2253. ECF No. 51. The motion is denied because this statute applies only in a habeas corpus proceeding, which this case is not. 28 U.S.C. § 2253(c)(1); *Gale v. Garber*, Case No. 4:19cv55-WS-HTC, 2021 WL 11691702, at *1 (N.D. Fla. June 10, 2021).

To the extent that Mr. Shepard seeks redress for alleged constitutional deprivations, he may file an action at any time. To the extent that Mr. Shepard's motion was intended as an objection to one of this Court's rulings based on a referral pursuant to 28 U.S.C. § 636(b)(1)(A), he may file an objection (clearly labeled as such) pursuant to DRI LR Cv 72(c), which provides: (1) Time for Objections; Failure to File.

An objection to an order or other ruling by a magistrate judge in a nondispositive matter referred under Fed. R. Civ. P. 72(a) shall be filed and served within 14 days after such order or ruling is served. The objecting party shall also order a transcript of any evidentiary hearing(s) before the magistrate judge within the same 14-day period. Failure to file specific objections and order the

transcript in a timely manner constitute waiver of the right to review by the district judge and the right to appeal the Court's decision.

(2) Content of Objections. An objection to a magistrate judge's order or ruling in a nondispositive matter shall set forth the basis of the objection and comply with LR Cv 7. (3) Responses and Replies. A response to an objection shall be served and filed within 14 days after the objection is served.

The objecting party may serve and file a reply to the response within 7 days thereafter. Unless otherwise permitted or required by the Court, nothing further shall be filed in support of or in response to an objection to a magistrate judge's order or ruling. Any response and/or reply shall comply with LR Cv 7. Based on the foregoing, the Court DENIES Mr. Shepard's motion for certificate of appealability.

ECF No. 51. /s/ Patricia A. Sullivan PATRICIA A. SULLIVAN United States Magistrate Judge
April 17, 2026