

FILEDUNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

AUG 26 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

STATE OF ARIZONA; et al.,

Defendants,

and

MARIETTE DO-NGUYEN,

Movant - Appellant.

No. 10-16731

D.C. No. 2:10-cv-01413-SRB
District of Arizona,
Phoenix

ORDER

Before: LEAVY, HAWKINS and THOMAS, Circuit Judges.

A review of the record demonstrates that this court lacks jurisdiction over this appeal because appellant's motion for leave to intervene remains pending before the district court. Appellant is not a party to the action and therefore lacks standing to challenge the district court's July 28, 2010 order. *See Hoover v. Switlik Parachute Co.*, 663 F.2d 964, 966 (9th Cir. 1981) (court lacks jurisdiction over appeal because appellant lacks standing to challenge order that pertains only to the co-defendant). Consequently, this appeal is dismissed for lack of jurisdiction.

MF/Pro Se

All pending motions are denied as moot.