

1 **WO**

2

3

4

5

6

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

7

8

9

Salvador Reza,

) No. CV 11-01170-PHX-FJM

10

Plaintiff,

) **ORDER**

11

vs.

12

Russell Pearce, et al.,

13

Defendants.

14

15

16

The court has before it defendant Burton’s renewed motion for entry of judgment (doc. 101). We dismissed defendant Burton from this case on October 21, 2011 (doc. 25). On December 28, 2012, we granted summary judgment in favor of the only remaining defendant (doc. 98), and the clerk entered final judgment on that same day (doc. 99). Defendant Burton now asks, out of an abundance of caution, that we enter separate judgment in his favor.

17

18

19

20

21

22

23

24

25

26

27

28

The entry of a final judgment in defendant Burton’s favor is unnecessary because the filing of the final judgment on December 28, 2012 disposed of the entire case, leaving nothing pending in this action. Once that judgment was entered, the earlier interlocutory order dismissing defendant Burton became final. See American Ironworks & Erectors Inc. v. North Am. Constr. Corp., 248 F.3d 892, 897-98 (9th Cir. 2001). There is no need to enter a separate final judgment with respect to our interlocutory orders. Id. at 898.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IT IS ORDERED DENYING as moot defendant Burton's motion for entry of final judgment (doc. 101).

DATED this 18th day of January, 2013.

Frederick J. Martone

Frederick J. Martone
United States District Judge