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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Michael James Rich,
Plaintiff,
vs.
Maricopa County Medical Center, et al.,
Defendants.

No. CV 09-8080-PCT-MHM (MEA)

ORDER

Plaintiff Michael James Rich, who is confined in the Arizona State Prison Complex-Lewis, Bachman Unit, in Buckeye, Arizona, filed a *pro se* civil rights Complaint pursuant to 42 U.S.C. § 1983 with an incomplete Application to Proceed *In Forma Pauperis*. (Doc.# 1, 3.) In an Order filed on May 21, 2009, the Court denied his *in forma pauperis* application with leave to pay the filing fee or to file a properly completed *in forma pauperis* application within 30 days. (Doc.# 4.) When nothing was filed in this case, this action was dismissed without prejudice on July 7, 2009. (Doc.# 5.) On July 23, 2009, Plaintiff filed a motion for review of judgment and a notice of appeal. (Doc.# 6, 7.)

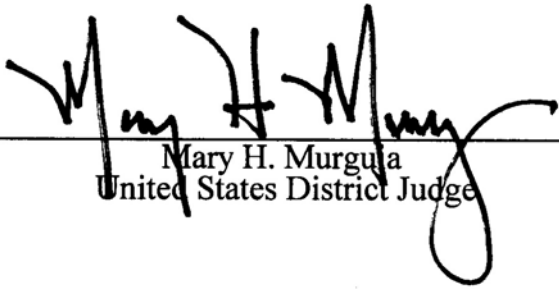
In his motion for review of judgment, Plaintiff explains that the Department of Corrections failed to timely respond to his request for copies of his inmate trust account statement. Plaintiff has submitted a copy of a statement by a Corrections Officer confirming that prison personnel caused the delay. Plaintiff has not explained, however, why he failed to timely file a motion for extension of time within which to comply with the Court's May

1 21, 2009 Order, i.e., prior to entry of judgment. Once an appeal is filed, the district court no
2 longer has jurisdiction to consider motions to vacate judgment. Gould v. Mut. Life Ins. Co.
3 of N.Y., 790 F.2d 769, 772 (9th Cir.1986). In any event, the dismissal was without prejudice
4 and Plaintiff does not assert that he will be in any way prejudiced if he commences a new
5 action, particularly where he has never been assessed a filing fee in this case. Plaintiff's
6 motion for review and extension of time to comply with the May 21, 2009 Order will be
7 denied.

8 **IT IS ORDERED** that Plaintiff's motion for review and extension of time is **denied**.
9 (Doc.# 6.)

10 DATED this 5th day of August, 2009.

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Mary H. Murgula
United States District Judge