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**United States District Court
Central District of California**

DANIEL E. VARGAS,
Plaintiff,

v.
JP MORGAN CHASE BANK, N.A.;
MORTGAGE ELECTRONIC
REGISTRATION SYSTEMES, INC.;
CITIBANK, N.A.; WILMINGTON
TRUST, N.A.; CALIFORNIA
RECONVEYANCE COMPANY; DOES
1-10, INCLUSIVE,
Defendants.

Case No. 5:14-cv-00859-ODW(JCGx)

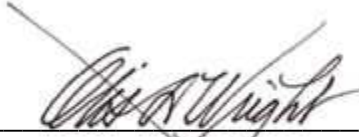
**ORDER STRIKING MOTION TO
VOLUNTARILY DISMISS APPEAL
[25]**

On August 18, 2014, Plaintiff Daniel E. Vargas filed a putative Plaintiff–Appellant’s Motion to Voluntarily Dismiss the Appeal Without Prejudice under Federal Rule of Appellate Procedure 42(b). (ECF No. 25.) But that Rule only provides for dismissal by the court of appeals—not the district court. *Contrast* Fed. R. App. P. 42(a) (allowing for dismissal by the district court but only before the appellate court docket the appeal).

1 Since this Court is not the Court of Appeals, the Court cannot dismiss Vargas's
2 appeal. The Court therefore **STRIKES** the Motion. (ECF No. 25.) Vargas may of
3 course properly submit the Motion before the Court of Appeals.

4 **IT IS SO ORDERED.**

5
6 August 19, 2014

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10 **OTIS D. WRIGHT, II**
11 **UNITED STATES DISTRICT JUDGE**