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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GREGORY MCKINNEY,)	No. 1:04-CV-06030-SMM
)	
Plaintiff,)	ORDER
)	
v.)	
)	
T. CASEY, et. al.)	
)	
Defendants.)	

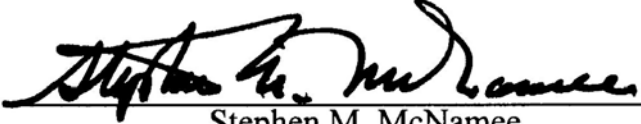
Before the Court is Plaintiff’s Motion for a Finding by the Court on Motion for Reconsideration (Doc. 97). Plaintiff’s case is currently on appeal at the Ninth Circuit Court of Appeals (Doc. 93). On October 1, 2009, the Ninth Circuit issued an Order informing Plaintiff that his appeal had been filed during the pendency of a timely-filed Federal Rule of Appellate Procedure 4(a)(4) motion. As a result, his Notice of Appeal was ineffective until entry of the district court order disposing of this motion, and the proceedings would be held in abeyance pending the resolution of Plaintiff’s August 20, 2009 Motion for Reconsideration. Plaintiff now asks the Court to rule on his pending Motion for Reconsideration (Doc. 91).

This Court denied Plaintiff’s Motion for Reconsideration on October 19, 2009 (Doc. 95). Accordingly, Plaintiff’s Motion for a Finding will be denied as moot.

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IT IS HEREBY ORDERED DENYING Plaintiff's Motion for a Finding by the Court on Motion for Reconsideration as moot (Doc. 97).

DATED this 2nd day of November, 2009.



Stephen M. McNamee
United States District Judge