

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROBERT P. BENYAMINI,)	1:05-CV-00684 LJO GSA HC
)	
Petitioner,)	
)	ORDER DENYING PETITIONER'S
v.)	MOTION FOR INFORMATION AND
)	REMOVAL OF COUNSEL
TERESA SCHWARTZ,)	[Doc. #81]
)	
Respondent.)	

Petitioner is a state prisoner proceeding with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 on appeal to the Ninth Circuit Court of Appeal.

On April 13, 2009, Petitioner filed the instant motion for information and removal of counsel. As Petitioner has been informed on two prior occasions by court order, this case is closed. The petition was denied on November 26, 2008. Petitioner, via retained counsel, filed a notice of appeal on December 19, 2008. The appeal was processed on the same date and transmitted to the Ninth Circuit Court of Appeals where it is currently pending. Generally, the filing of a notice of appeal divests the district court of jurisdiction with respect to all matters involved in the appeal. Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 58 (1982) (per curiam); Bermudez v. Duenas, 936 F.2d 1064, 1068 (9th Cir.1991); Gould v. Mutual Life Insurance Company of New York, 790 F.2d 769, 772 (9th Cir.1986); Scott v. Younger, 739 F.2d 1464, 1466 (9th Cir.1984);

1 Davis v. United States, 667 F.2d 822, 824 (9th Cir.1982). Therefore, this Court is without
2 jurisdiction to entertain Petitioner's motion; he must make his motion directly to the Ninth Circuit.
3 Petitioner is advised that further filings in this Court will be returned to him unfiled.

4 Accordingly, Petitioner's request for information and removal of counsel is DISMISSED.
5 IT IS SO ORDERED.

6 **Dated: April 22, 2009**

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE

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