

**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

ALVARO QUEZADA,

CASE NO. 1:06-cv-01088-OWW-YNP PC

Plaintiff,

ORDER RE MOTIONS (DOCS 14, 16, 23, 28)

v.

B. GRICEWICH, et al.,

Defendants.

Plaintiff Alvaro Quezada ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On September 4, 2007, Plaintiff filed his "Motion To Request The Status Of An Order To Show Cause & Temporary Retraining Order & Preliminary Injunction That Was Filed On June 19, 2007." (Doc. #14.) On February 20, 2008, Plaintiff filed his "Motion For Notice Of Appeal To The Ninth Circuit Pursuant Fed. R. App. P. 3(d)/4(1)(A)." (Doc. #16.) On May 9, 2008, Plaintiff filed his "Motion Of Order Pursuant To FRAP 10(b), and FRAP 11(a-b)." (Doc. #23.) On January 5, 2009, Plaintiff filed his "Request For A Removal Order From State Court 'In-Rem' Jurisdiction, To Federal Supplemental Jurisdiction Requesting The Federal Court How Plaintiff Should Proceed On Filing. . . ." (Doc. #28.)

Plaintiff's "Motion To Request The Status Of An Order To Show Cause & Temporary Retraining Order & Preliminary Injunction That Was Filed On June 19, 2007" requests the Court to provide a status report regarding a temporary restraining order filed by Plaintiff on June 19, 2007. Plaintiff's June 19, 2007 temporary restraining order was denied by the Court on March 21, 2008. (Doc. #17.) Plaintiff's request for a status report is denied as moot.

1 Plaintiff's "Motion For Notice Of Appeal To The Ninth Circuit Pursuant Fed. R. App. P.  
2 3(d)/4(1)(A)" and "Motion Of Order Pursuant To FRAP 10(b), and FRAP 11(a-b)" concern  
3 Plaintiff's appeal to the 9th Circuit regarding the denial of his request for a temporary restraining  
4 order. It is unclear what relief Plaintiff is seeking in his "Motion For Notice Of Appeal." Plaintiff,  
5 through his motion, complains about the Court's "failure to intervene and provide [P]laintiff redress  
6 to the continuum of civil liberties violations by prison officials." Plaintiff's "Motion Of Order  
7 Pursuant To FRAP 10(b), and FRAP 11(a-b)" requests that a copy of "all relevant documents of  
8 [P]laintiff's record be forwarded to the Circuit clerk". Plaintiff's appeal was denied by the 9th  
9 Circuit on December 5, 2008. (Doc. #27.) Therefore, Plaintiff's motions are denied as moot.

10 Plaintiff's "Request For A Removal Order From State Court 'In-Rem' Jurisdiction, To  
11 Federal Supplemental Jurisdiction Requesting The Federal Court How Plaintiff Should Proceed On  
12 Filing . . ." complains about the denial of "writ of mandates" filed in state court complaining about  
13 how Plaintiff was obstructing from filing staff complaints. Plaintiff's "prayer for relief" requests that  
14 this Court issue a "peremptory writ of mandate" directing the state court to provide proper due  
15 process to Plaintiff's writ of mandates, an evidentiary hearing, a declaration of the rights of parties,  
16 appointment of counsel, an order to show cause requiring respondents to respond to these writ of  
17 mandates, that this Court accept as true all the facts alleged in the motion, that Plaintiff be  
18 compensated for the violation of his rights, damages, and other relief deemed just and proper. The  
19 Court is unable to discern how the denial of Plaintiff's writ of mandates in state court have any  
20 relevance whatsoever to this action in federal court. Plaintiff's motion is denied.

21 Based on the foregoing, IT IS HEREBY ORDERED that:

- 22 1. Plaintiff's "Motion To Request The Status Of An Order To Show Cause &  
23 Temporary Retraining Order & Preliminary Injunction That Was Filed On June 19,  
24 2007" filed on September 4, 2007 is DENIED;
- 25 2. Plaintiff's "Motion For Notice Of Appeal To The Ninth Circuit Pursuant Fed. R.  
26 App. P. 3(d)/4(1)(A)" filed on February 20, 2008 is DENIED;
- 27 3. Plaintiff's "Motion Of Order Pursuant To FRAP 10(b), and FRAP 11(a-b)" filed on  
28 May 9, 2008 is DENIED; and

1           4.       Plaintiff's "Request For A Removal Order From State Court 'In-Rem' Jurisdiction,  
2                   To Federal Supplemental Jurisdiction Requesting The Federal Court How Plaintiff  
3                   Should Proceed On Filing. . . ." filed on January 5, 2009 is DENIED.

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5  
6 IT IS SO ORDERED.

7 **Dated: September 21, 2009**

**/s/ Sandra M. Snyder**  
UNITED STATES MAGISTRATE JUDGE