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9 10 VINCENT C. BRUCE,

v.

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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CASE NO. 1:07-cv-00269-AWI-SMS PC

Plaintiff,

ORDER GRANTING PLAINTIFF'S MOTION FOR COPY OF DOCKET AND DENYING DEFENDANTS' REQUEST FOR ENTRY OF ORDER AND JUDGMENT

JEANNE WOODFORD, et al., (ECF Nos. 102, 106)

Defendants.

Plaintiff Vincent C. Bruce ("Plaintiff") is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding against Defendants Ward, Fulks, Fields, Schottgen, Tripp, Lloren, Frauenheim, Wan, Clark, Hense, and Adams. On August 2, 2010, findings and recommendations issued recommending that Defendants' motion to dismiss be granted. (ECF No. 77.) On September 8, 2010, findings and recommendations issued recommending that Plaintiff's request for preliminary injunctive relief be denied. (ECF No. 84.) On September 21, 2010, findings and recommendations issued recommending that Defendant Sanchez be dismissed for failure to effect service of process. (ECF No. 88.) On December 15, 2010, orders issued adopting the findings and recommendations denying injunctive relief and dismissing Defendant Sanchez from the action. (ECF Nos. 93, 94.) On January 19, 2011, Plaintiff filed a notice of appeal of the final judgment entered in this action. (ECF No. 97.) Plaintiff filed a request for a copy of the docket and the order adopting the findings and recommendations dismissing this action on February 22, 2011, and Defendants filed a request for entry of order and judgment on August 8, 2011. (ECF Nos. 102, 106.)

Once Plaintiff filed a notice of appeal the district court was divested of jurisdiction and an order adopting the findings and recommendations recommending dismissal of this action has not been entered. National Ass'n of Home Builders v. Norton, 325 F.3d 1165, 1167 (9th Cir. 2003). Accordingly, it is HEREBY ORDERED that: Plaintiff's motion for a copy of the docket is GRANTED and the Clerk of the Court 1. is directed to mail a copy of the docket to Plaintiff; and 2. Defendants request for entry of order and judgment is DENIED pending the resolution of Plaintiff's appeal. IT IS SO ORDERED. /s/ Sandra M. Snyder UNITED STATES MAGISTRATE JUDGE Dated: August 9, 2011