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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JESSE T. MOTEN,

CASE NO. 1:07-cv-0924-AWI-MJS (PC)

Plaintiff,

ORDER DENYING IN PART AND GRANTING  
IN PART PLAINTIFF'S MOTION FOR CASE  
STATUS REVIEW

v.

AND  
DENYING PLAINTIFF'S MOTION FOR A  
HEARING ON ENDANGERMENT OF LIFE

DARREL G. ADAMS, et al.,

Defendants.

(ECF Nos. 60 and 62)

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Plaintiff Jesse T. Moten ("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 August 11, 2010, the Court dismissed Plaintiff's First Amended Complaint for failure to state a claim upon which relief could be granted. (Order, ECF No. 46.) Plaintiff filed a Second Amended Complaint on March 11, 2011. (Am. Compl., ECF No. 55.) On May 18, 2011, the Court dismissed all of the claims in Plaintiff's Second Amended Complaint except for Plaintiff's excessive force claim against Defendant Gonzales.

1 (Order, ECF No. 59.) No parties have yet appeared.

2 Before the Court are: (1) Plaintiff's May 23, 2011 Motion for a Request for a Case  
3 Status Review (ECF No. 60) and (2) Plaintiff's June 10, 2011 Motion for a Hearing on  
4 Endangerment of Life (ECF No. 62). Each motion will be addressed in turn below.

5  
6 **I. MOTION FOR A REQUEST FOR A CASE STATUS REVIEW**

7 On May 23, 2011, Plaintiff filed a Motion for a Request for a Case Status Review  
8 and for a Copy of the Docket Sheet to be Forwarded to the Plaintiff ("Motion for Case  
9 Status Review"). (ECF No. 60.) Plaintiff appears to be asking for the Court to review his  
10 Objections (ECF. Nos. 57 and 58) to the Magistrate Judge's Findings and  
11 Recommendations (ECF No. 56) that all of Plaintiff's claims except for his excessive force  
12 claim against Defendant Gonzales be dismissed with prejudice. On May 18, 2011, the  
13 District Judge assigned to this matter adopted the Magistrate Judge's Findings and  
14 Recommendations, and this Order was served on Plaintiff by mail on the same day. (ECF  
15 No. 59.) Plaintiff's Motion for Case Status Review was filed on May 23, 2011, and since  
16 it does not refer to the District Judge's May 18, 2011 Order, it appears Plaintiff did not  
17 receive that Order prior to filing his Motion for Case Status Review.  
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20 Accordingly, since Plaintiff appears to be asking for the Court to review his  
21 Objections, which the Court has already done, the portion of his Motion for Case Status  
22 Review simply asking for an update on his Objections is DENIED as moot.

23 The portion of Plaintiff's Motion for Case Status Review asking the Court to forward  
24 Plaintiff a copy of the docket sheet of this matter is GRANTED, and the Clerk's Office is  
25 ordered to forward a copy of the docket sheet to Plaintiff.  
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1 **II. MOTION FOR A HEARING ON ENDANGERMENT OF LIFE**

2 On June 10, 2011, Plaintiff filed a Motion for a Hearing on Endangerment of Life.  
3 (ECF No. 62.) Plaintiff appears to be appealing the assigned Magistrate Judge's Findings  
4 and Recommendations (ECF No. 56) which were adopted by the assigned District Judge  
5 on May 18, 2011 (Order, ECF No. 59). Plaintiff relies on California state appellate cases,  
6 and states that there was an abuse of discretion that must be corrected. This leads the  
7 Court to believe that Plaintiff is attempting to file an appeal with the United States District  
8 Court of the Eastern District of California. Judicial notice is taken that Plaintiff filed an  
9 appeal with the Ninth Circuit Court of Appeals on June 13, 2011. (Notice, ECF No. 64.)  
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11 Accordingly, since Plaintiff's Motion for a Hearing on Endangerment of Life appears  
12 to be an appeal to the District Court of the decisions rendered by that Court, it seeks  
13 appeal in the wrong forum and is DENIED.  
14

15 **III. CONCLUSION AND ORDER**

16 For the reasons stated above, the Court hereby ORDERS the following:

17 1. The portion of Plaintiff's Motion for a Request for a Case Status Review and  
18 for a Copy of the Docket Sheet (ECF No. 60) asking for a case status review is DENIED  
19 as moot;  
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21 2. The portion of Plaintiff's Motion for a Request for a Case Status Review and  
22 for a Copy of the Docket Sheet (ECF No. 60) asking for a copy of the docket sheet to be  
23 forwarded to Plaintiff is GRANTED, and the Clerk's Office is ordered to forward a copy of  
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1 the docket sheet to Plaintiff; and

2 3. Plaintiff's Motion for a Hearing on Endangerment of Life (ECF No. 62) is

3 DENIED.

4 IT IS SO ORDERED.

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6 Dated: July 26, 2011

*/s/ Michael J. Seng*  
7 UNITED STATES MAGISTRATE JUDGE