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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOHN RAY DYNES,

1:08-cv-00136-GSA-PC

Plaintiff,

ORDER GRANTING PLAINTIFF’S MOTION TO
DISMISS APPEAL
(Doc. 145.)

v.

C/O JUAN MEDINA and
C/O DAVID WILLIAMS,

ORDER DISMISSING APPEAL FILED ON APRIL
28, 2010 AS DUPLICATIVE
(Doc. 137.)

Defendants.

ORDER FOR CLERK TO SERVE COPY OF THIS
ORDER ON THE NINTH CIRCUIT

_____ /

John Ray Dynes (“Plaintiff”) is a prisoner proceeding pro se and in forma pauperis with this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the complaint commencing this action on January 28, 2008. (Doc. 1.) The case proceeded to jury trial on April 14, 2010, and judgment for defendants was entered on April 15, 2010. (Doc. 127.) Plaintiff filed two notices of appeal to the Ninth Circuit Court of Appeals, one on April 19, 2010, and one on April 28, 2010. (Docs. 131, 137.) On May 6, 2010, Plaintiff filed a motion to dismiss the appeal he filed on April 28, 2010. (Doc. 145.)

Plaintiff indicates that he filed the April 28, 2010 appeal in error, and the April 28, 2010 appeal is duplicative of the appeal he filed on April 19, 2010. For these reasons, and good cause appearing, IT IS HEREBY ORDERED that:

- 1. Plaintiff’s motion to dismiss the appeal he filed on April 28, 2010 is GRANTED;

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2. Plaintiff's appeal filed on April 28, 2010, is DISMISSED as duplicative of the appeal filed by Plaintiff on April 19, 2010; and

3. The Clerk is DIRECTED to serve a copy of this order on the Ninth Circuit Court of Appeals.

IT IS SO ORDERED.

Dated: May 10, 2010

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE