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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

Arthur L. Johnson,  
Plaintiff,  
vs.  
Dr. Ortiz, et al.,  
Defendants.

No. CV 1-08-1183-DCB-P


**ORDER**

This action was dismissed on June 25, 2010. Plaintiff filed a notice of appeal with the Ninth Circuit Court of Appeals on July 2, 2010. On July 26, 2010, Plaintiff filed a motion to reconsider with the district court. Despite the fact that this Court lacks jurisdiction, it has reviewed the motion for reconsideration for merit and finds that it is without merit.

Accordingly,

IT IS ORDERED that the Motion to Reconsider (Doc. 44), filed while this matter is on appeal, is DENIED.

DATED this 3<sup>rd</sup> day of August, 2010.

  
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David C. Bury  
United States District Judge