

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

BRYANT W. PLITT,
Plaintiff,

v.

FRESNO POLICE OFFICER R.
GONZALEZ, et al.,
Defendants.

Case No. 1:08-cv-01352-BLW-LMB

ORDER

Pending before the Court are Plaintiff's Rule 60(b) Motion, filed during the pendency of his appeal (Dkt. 52), and Defendants' Motion to Strike Plaintiff's Rule 60(b) Motion. (Dkt. 54.) The United States Court of Appeals for the Ninth Circuit indicated that, if Plaintiff desired to file a timely Rule 60(b) motion, he could file a new motion to stay the appellate proceedings. (Dkt. 50.) This Court issued instructions for the filing of the Motion on October 4, 2012. (Dkt. 56.) The Docket does not indicate that Plaintiff has filed a new motion to stay in the appellate court after that date. Accordingly, **IT IS ORDERED** that Defendants' Motion to Strike Plaintiff's Rule 60(b) Motion (Dkt. 54) is GRANTED, and

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Plaintiff's Rule 60(b) Motion (Dkt. 52) is STRICKEN, on grounds of lack of jurisdiction.



DATED: January 10, 2013

A handwritten signature in black ink that reads "B. Lynn Winmill". The signature is written in a cursive style and is positioned above a horizontal line.

Honorable B. Lynn Winmill
Chief U. S. District Judge