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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LOUIS BRANCH,

 Plaintiff,

 v.

D. UMPHENOUR, et al.,

 Defendants.

Case No. 1:08-cv-01655-SAB-PC

ORDER DIRECTING CLERK TO
TERMINATE MOTION AND FORWARD
AUGUST 3, 2016, MOTION TO THE U.S.
COURT OF APPEALS

Plaintiff Louis Branch is a state prisoner appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the Court is Plaintiff’s document filed with the Court on August 3, 2016. (ECF No. 219.) The parties have consented to magistrate judge jurisdiction pursuant to 28 U.S.C. § 636(c).

On March 28, 2016, Plaintiff filed a motion to withdraw his consent to magistrate judge jurisdiction. (ECF No. 198.) On April 1, 2016, an order was entered, denying Plaintiff’s motion to withdraw his consent and to vacate the assignment of this action pursuant to 28 U.S.C. § 636(c). (ECF No. 200.) On April 1, 2016, Plaintiff filed a motion for reconsideration of the order denying Plaintiff’s motion to vacate the order assigning this action to a magistrate judge. (ECF No. 201.) On May 5, 2016, an order was entered, denying Plaintiff’s motion for reconsideration. (ECF No. 204.) Plaintiff filed a Notice of Appeal of that order, and on July 20, 2016, the U.S. Court of Appeals for the Ninth Circuit, dismissed Plaintiff’s appeal for lack of

1 appellate jurisdiction. (ECF No. 217.)

2 On August 3, 2016, the Clerk's Office received for filing a document titled as a motion
3 for reconsideration. The document was entered on to the docket as a motion for reconsideration
4 of the order denying Plaintiff's motion to withdraw consent and to vacate the assignment of this
5 case to a magistrate judge. The document is captioned as a motion addressed to the U. S. Court
6 of Appeals for the Ninth Circuit. Plaintiff refers to himself as appellant, and argues that the
7 appellate court has jurisdiction over Plaintiff's appeal, and requests relief from that court in the
8 form of a writ of mandamus. It appears that the document was intended to be filed in the U.S.
9 Court of Appeals for the Ninth Circuit, and was entered on to the docket in this case in error.

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. The Clerk's Office is directed to terminate the motion for reconsideration filed on
12 August 3, 2016, as filed in error; and
- 13 2. The Clerk's Office is directed to forward the August 3, 2016, motion to the U.S.
14 Court of Appeals for the Ninth Circuit.

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16 IT IS SO ORDERED.

17 Dated: August 9, 2016


UNITED STATES MAGISTRATE JUDGE

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