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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ERIC CHARLES RODNEY K’NAPP,
Plaintiff,
v.
ARLITZ, et al.,
Defendants.

Case No. 1:09-cv-00412-SAB (PC)
ORDER STRIKING ORDER DISMISSING FIRST
AMENDED COMPLAINT AND PLAINTIFF’S
SECOND AMENDED COMPLAINT
(ECF Nos. 32, 33)

Plaintiff Eric Charles Rodney K’napp (“Plaintiff”), a state prisoner proceeding pro se, filed this civil rights action on March 2, 2009. On September 7, 2011, an order issued revoking Plaintiff’s in forma pauperis status pursuant to 28 U.S.C. 1915(g). (ECF No. 22.) Plaintiff filed a notice of appeal of the order revoking his in forma pauperis status on September 22, 2011. (ECF No. 23.) On April 11, 2013, a screening order issued dismissing Plaintiff’s first amended complaint with leave to amend. (ECF No. 32.) On May 13, 2013, Plaintiff filed his second amended complaint. (ECF No. 33.)

Upon review of this action, it is apparent that the Court was divested of jurisdiction to issue the April 11, 2013 order due to the pendency of Plaintiff’s appeal. Plaintiff is appealing the order which revoked his in forma pauperis status and required him to pay the filing fee in full. Since the order granting leave to amend was issued in error and shall be stricken from the record, the second amended complaint shall also be stricken.

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Accordingly, IT IS HEREBY ORDERED that the order dismissing the first amended complaint with leave to amend, issued April 11, 2013, and the second amended complaint, filed May 13, 2013, are STRICKEN FROM THE RECORD.

IT IS SO ORDERED.

Dated: September 10, 2013

UNITED STATES MAGISTRATE JUDGE