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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

ROBERT GONZALES SAENZ,)	Case No.: 1:09-cv-00557-BAM PC
)	
Plaintiff,)	ORDER REGARDING MOTION FOR RULING
)	AND NOTICE OF FILING DISCREPANCY
v.)	
)	(ECF Nos. 178, 179)
D. REEVES,)	
)	
Defendant.)	
)	
)	

Plaintiff Robert Gonzales Saenz (“Plaintiff”), a state prisoner, proceeded pro se and in forma pauperis civil rights action pursuant to [42 U.S.C. § 1983](#). Plaintiff initiated this action on March 26, 2009. (ECF No. 1.) The matter proceeded to a jury trial on June 18, 2013. The jury returned a special verdict in favor of Defendant Reeves on June 20, 2013, and judgment for Defendant Reeves was entered on June 26, 2013. (ECF Nos. 165, 169.) On July 15, 2013, Plaintiff filed a notice of appeal. (ECF Nos. 171.)

On July 29, 2013, Plaintiff filed a notice of filing discrepancy. Plaintiff claims that the Clerk of the Court did not process both of the appeals that he filed in this action. It appears that Plaintiff seeks to appeal two primary issues in this action: (1) the dismissal of certain claims at the screening stage; and (2) perceived errors in the jury trial. In order to pursue these issues, Plaintiff filed two separate notices of appeal. Plaintiff now asserts that the Clerk of the Court did not process one of those appeals, namely his challenge to the dismissal of certain claims at the screening stage. (ECF No.

1 178.) On August 21, 2013, Plaintiff filed a motion requesting a ruling on his notice of discrepancy.
2 (ECF No. 179.)

3 Plaintiff's request for a ruling and correction of the purported discrepancy is unnecessary.
4 Plaintiff's two purported notices of appeal were combined into a single docket entry and notice of
5 appeal, which was filed into this action on July 15, 2013. (ECF No. 171.) Plaintiff's appeal has been
6 processed to the Ninth Circuit Court of Appeals, and the entirety of his appeal notice is available for
7 review by the appellate court. Accordingly, Plaintiff's notice of filing discrepancy and motion for
8 ruling are disregarded as moot.

9 IT IS SO ORDERED.

10 Dated: August 22, 2013

/s/ Barbara A. McAuliffe
11 UNITED STATES MAGISTRATE JUDGE