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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

JOE RUDY REYES,	1:10-cv-00637 MJS (HC)
Petitioner,	RESPONSE TO SECOND REQUEST FOR DOCUMENTS AND COPY OF THE FILE
v.	[Doc. 10]
R. LOPEZ, Warden,	
Respondent.	

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus under the authority of 28 U.S.C. § 2254. Pursuant to 28 U.S.C. § 636(c)(1), Petitioner consented to the jurisdiction of the United States Magistrate Judge. Local Rule 305(b).

On July 21, 2010, this Court entered judgment and dismissed the petition for failure to state a cognizable claim. (Order, ECF Nos. 6-7.) Petitioner appealed to the Ninth Circuit Court of Appeals on August 19, 2010. (ECF Nos. 8-9.) On September 19, 2010, Petitioner filed what he untitled a second motion or request for documents and copy of the file.<sup>1</sup> (Mot., ECF No. 10.)

The filing of a notice of appeal generally divests the trial court of jurisdiction. See, e.g., Natural Res. Def. Council, Inc. v. Southwest Marine Inc., 242 F.3d 1163, 1166 (9th Cir. 2001). Accordingly, this Court shall refrain from deciding the present motion.

<sup>1</sup>No previous such motions for documents have been filed with this Court.

1           However, as stated in the new case documents served on Petitioner on April 13,  
2 2010, Petitioner may obtain copies of documents in the following manner:

3           Copy Work: The Clerk's Office does not provide copies of  
4 documents to parties. Copies of documents may be obtained  
5 from the Attorney's Diversified Service (ADS) by writing to  
6 them at: 741 N. Fulton Street, Fresno CA 93728, or by phoning  
7 800-842-2695. The court will provide copies of docket sheets  
8 at \$0.50 per page. Note: In Forma Pauperis status does not  
9 include the cost of copies.

10           Petitioner may request such documents from the above-referenced copy service  
11 without need of a court order.

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IT IS SO ORDERED.

Dated: November 23, 2010

/s/ Michael J. Seng  
UNITED STATES MAGISTRATE JUDGE