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

BENNIE RAY BROWN,	)	Case No.: 1:10-cv-01460 - JLT
	)	
Plaintiff,	)	ORDER DIRECTING CLERK TO NOT
	)	FORWARD PLAINTIFF'S NOTICE OF APPEAL
v.	)	TO THE NINTH CIRCUIT
	)	
OFFICER JESS BEAGLEY, et al.,	)	(Doc. 59)
	)	
Defendants.	)	
	)	

Plaintiff filed a "Notice of an Appeal" on June 26, 2012. (Doc. 59). Plaintiff seeks to appeal the Court's order denying Plaintiff's motion to compel discovery, issued on May 16, 2012. *Id.*

As explained by the Ninth Circuit, "[d]iscovery decisions are generally not final judgments that may be appealed under 28 U.S.C. § 1291." *United States v. Zone*, 403 F.3d 1101, 1106 (9th Cir. 2005) *Catlin v. United States*, 324 U.S. 229, 233 (1945). Rather, a final decision "is one which ends the litigation on the merits and leaves nothing for the court to do but execute the judgment." *Catlin*, 324 U.S. at 233. The Supreme Court explained, the "policy against piece meal appeals . . . promotes judicial efficiency and hastens the ultimate termination of litigation." *United States v. Nixon*, 418 U.S. 683, 690 (1974) (citation omitted). Accordingly, interlocutory appeals are highly disfavored. *Id.*

Nevertheless, the Supreme Court has recognized exceptions to allow appeals of decisions, which allow the Circuit courts "to hear interlocutory appeals of orders that (1) conclusively determine a disputed opinion, (2) resolve an important issue completely separate from the merits of the action,

1 and (3) are effectively unreviewable on appeal from a final judgment.” *Zone*, 403 F.3d at 1106  
2 (citations and quotation marks omitted). Here, Plaintiff asserts Court erroneously denied his motion to  
3 compel discovery. (Doc. 59). However, the denial of Plaintiff’s motion to compel discovery *does not*  
4 determine a disputed issue or resolve an issue separate from the merits of the action. Furthermore, the  
5 failure to obtain appellate review at this juncture does not render this decision “effectively  
6 unreviewable.”

7 Because Plaintiff’s notice fails to satisfy the requirements for an interlocutory appeal, the Court  
8 **ORDERS** the notice of appeal returned to Plaintiff and **DIRECTS** the Clerk of Court not to forward it  
9 to the Ninth Circuit Court of Appeals.

10  
11 IT IS SO ORDERED.

12 Dated: August 2, 2012

/s/ Jennifer L. Thurston  
13 UNITED STATES MAGISTRATE JUDGE