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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GARRISON S. JOHNSON,
Plaintiff,
v.
MATTHEW CATE, et al.,
Defendants.

Case No. 1:10-cv-01918 LJO DLB PC
ORDER DENYING PLAINTIFF’S
MOTIONS AS MOOT
[ECF Nos. 46, 49]

Plaintiff Garrison S. Johnson (“Plaintiff”) is a California state prisoner proceeding pro se and in forma pauperis in this civil action pursuant to 42 U.S.C. § 1983.

On December 19, 2012, the Court issued an order dismissing the action with prejudice for failure to state a claim. Judgment was entered on the same date. On January 2, 2013, Plaintiff filed a notice of appeal and the appeal was processed to the Ninth Circuit Court of Appeals.

On March 29, 2013, Plaintiff filed a motion requesting the Court to certify whether the appeal was taken in good faith. On July 18, 2013, Plaintiff filed a motion to amend the notice of appeal.

On November 19, 2013, Plaintiff’s opening brief was filed in the Ninth Circuit. On July 31, 2014, the Ninth Circuit vacated the judgment and remanded the case to allow Plaintiff on opportunity to file an amended complaint.

Since the appeal has been granted, Plaintiff’s motion to certify the appeal and his motion

1 to amend the notice of appeal are DENIED AS MOOT. The Court will issue a scheduling order
2 concerning the Ninth Circuit's remand by separate order.

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4 IT IS SO ORDERED.

5 Dated: August 25, 2014

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE

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