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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM STAFFORD,  
Plaintiff

v.

NORM KRAMER, et al.,  
Defendants.

No. 1:15-cv-00038-NONE-GSA-PC

ORDER VACATING AUGUST 17, 2021  
AMENDED JUDGMENT

(Doc. No. 27)

ORDER AMENDING JUDGMENT

On June 10, 2021, the Ninth Circuit issued a memorandum decision in this matter directing this court to enter an amended judgment. (Doc. No. 24.) On August 17, 2021, at the direction of the assigned magistrate judge, the Clerk of the Court entered an amended judgment in accordance with the Ninth Circuit’s instructions. (Doc. Nos. 26, 27.) However, the Ninth Circuit had yet to issue its mandate. Therefore, this court inadvertently acted before it had jurisdiction to amend the judgment. *United States v. Wagnine*, 409 Fed. Appx. 72, 74 (9th Cir. 2010)<sup>1</sup>; *see also In re Ashai*, No. 2:13-BK-11265-ER, 2017 WL 5495501, at \*4 (C.D. Cal. Nov. 13, 2017). Accordingly, the August 17, 2021 amended judgment is VACATED.

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<sup>1</sup> Citation to this unpublished Ninth Circuit opinion is appropriate pursuant to Ninth Circuit Rule 36-3(b).

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The mandate issued on August 19, 2021. (Doc. No. 28.) With that in hand, the court may now act on the Ninth Circuit's directions.

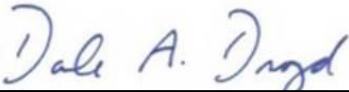
In accordance with the June 10, 2021 memorandum (Doc. No. 24) and mandate (Doc. No. 28) issued by the Ninth Circuit, the judgment in this matter is amended as follows:

(1) The state law claims in this action are DISMISSED WITHOUT PREJUDICE; and

(2) The judgment entered on May 12, 2017 (Doc. No. 18) based upon an order adopting (Doc. No. 17) findings and recommendations dated March 24, 2017 (Doc. No. 15), remains in effect with regard to the federal claims, which were DISMISSED WITH PREJUDICE.

IT IS SO ORDERED.

Dated: September 1, 2021

  
UNITED STATES DISTRICT JUDGE