1 2 3 <u>4</u> 5 6 7 8 9 UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA 10 11 12 CASON D. CUNNINGHAM, CASE NO. 1:15-cv-01362-AWI-MJS (PC) 13 Plaintiff, ORDER DENYING MOTION FOR NOTICE **OF APPEAL** 14 ٧. (ECF NO. 22) 15 NORM KRAMER, et al., 16 Defendants. 17 18 19 20 Plaintiff is a civil detainee proceeding pro se and in forma pauperis in this civil 21 rights action brought pursuant to 42 U.S.C. § 1983. On February 17, 2017, his complaint 22 was dismissed for failure to state a claim and the matter was closed. (ECF Nos. 20, 21.) On March 10, 2017, Plaintiff filed a "Motion for Notice of Appeal." (ECF No. 22.) It 23 is unclear what relief, if any, Plaintiff seeks through this motion. To the extent Plaintiff 24 merely seeks to have his notice of appeal processed, the Court advises that his notice of 25 appeal was filed on March 10, 2017 and processed to the Ninth Circuit Court of Appeals 26 that date. (ECF Nos. 23, 24.) To the extent Plaintiff intends through this motion to

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present his arguments to the appellate court, the Ninth Circuit has ordered him to file an opening brief by June 19, 2017. Plaintiff may present his arguments there. Based on the foregoing, the "Motion for Notice of Appeal" is HEREBY DENIED as moot. IT IS SO ORDERED. <u>ISI Michael J. Seng</u> UNITED STATES MAGISTRATE JUDGE Dated: March 29, 2017