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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MONICO J. QUIROGA, III,
Plaintiff,
v.
HASTA,
Defendant.

1:15-cv-01871-LJO-JLT (PC)
ORDER ON PLAINTIFF’S MOTION
FOR EXCERPTS OF RECORDS
(Doc. 77)

On August 21, 2018, the Court issued a Findings and Recommendation to deny Plaintiff’s motion for summary judgment and to grant Defendant’s motion for summary judgment, which was served the same day. (Doc. 70.) During the time allowed for filing of objections, Plaintiff filed a notice of appeal. (Doc. 72.) On September 13, 2018, the District Judge adopted the F&R noting that jurisdiction was not divested by Plaintiff’s appeal since the F&R was neither a final judgment nor a collateral order. (Doc. 75.) This action was closed and judgment entered against Plaintiff. (See Docs. 75, 76.)

On September 27, 2018, Plaintiff filed a motion which requests “excerpts of records pur (sic) to FRAP 31 9th Cir. R. 31-2.1 (sic).” (Doc. 77.) Plaintiff’s appeal has been processed to the Ninth Circuit. (Doc. 73.) Processing a case for appeal includes a certification of the record in Plaintiff’s action in this Court in compliance with Rule 11 of the Rules of Appellate Procedure. The Ninth Circuit Court of Appeals has electronic access to the entire file in this case as well as to

1 all cases in this Court. Further, Plaintiff should already have copies of all documents filed in this
2 action either because he should have kept copies of documents he filed and he was served with
3 copies of everything Defendant filed and of all orders issued by this court.

4 Based on the foregoing, Plaintiff's motion for excerpts of records pertaining to his appeal,
5 filed on September 27, 2018 (Doc. 77), is **DENIED**.

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7 IT IS SO ORDERED.

8 Dated: September 28, 2018

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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