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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 BARRY L. BROOKINS,

12 Plaintiff,

13 vs.

14 RAJENDRA DWIVEDI,

15 Defendant.
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**1:18-cv-00645-DAD-GSA-PC
Appeal case no. 21-16578**

**ORDER DENYING PLAINTIFF'S
MOTION OF DISCOVERY AS MORE
PROPERLY BROUGHT BEFORE THE
NINTH CIRCUIT COURT OF APPEALS
(ECF No. 100.)**

**ORDER FOR CLERK TO SERVE THIS
ORDER ON THE NINTH CIRCUIT
COURT OF APPEALS**

20 Barry L. Brookins ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis*
21 with this civil rights action pursuant to 42 U.S.C. § 1983. On September 7, 2021, this case was
22 dismissed as barred by the statute of limitations, judgment was entered and the case was closed.
23 (ECF Nos. 93, 94.) On September 24, 2021, Plaintiff filed a notice of appeal to the Ninth Circuit
24 Court of Appeals which was processed to the Ninth Circuit and assigned case number 21-16578.
25 (ECF Nos. 95, 96, 98.)

26 On October 4, 2021, Plaintiff filed a motion of discovery. (ECF No. 100.) In the motion,
27 Plaintiff requests the court to consider arguments and evidence in opposition to the court's order
28 dismissing this case.

