

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LISA MARIE BELYEW,

Case No. 1:20-cv-00623-AWI-JLT (PC)

Plaintiff,

**AMENDED ORDER DIRECTING
DEFENDANTS TO RESPOND**

V.

(Doc. 21)

M. PALLARES,

21-DAY DEADLINE

Defendant.

On August 20, 2020, the Court denied Plaintiff's motion to proceed *in forma pauperis* and dismissed this action without prejudice to refiling it upon prepayment of the filing fee. (Doc. 16.) The Court served this order to plaintiff by mail on the same date. On October 9, 2020, Plaintiff filed a notice of appeal of the dismissal, which was dated October 1, 2020. (Doc. 18.)

Noting the notice of appeal appeared untimely on its face, the Court of Appeals ordered plaintiff to show cause why the appeal should not be dismissed. In her response, Ms. Belyew contends,

I first mailed a written appeal to this court on August 20, 2020. When I did not hear anything from this court I automatically assumed my mail had been obstructed by certain mailroom staff in retaliation. Thus I filed another appeal on court documents on September 18, 2020.

Belyew v. Pallares, No. 20-17035 (9th Cir. 2020) (Doc. 5). On February 16, 2021, the Ninth Circuit Court of Appeals remanded the matter to this Court “to make a factual determination as to the date [Plaintiff] first filed a notice of appeal from the August 20, 2020 judgment.”

Within 21 days, the Defendant **SHALL** file a response to the Plaintiff's claim that she filed a timely notice of appeal.¹ **Within 7 days** of the filing of Defendant's response, Plaintiff may file a reply to the response, though she is not required to do so.

IT IS SO ORDERED.

Dated: February 16, 2021

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

¹ The defendants SHALL have their responsive document to be hand-delivered to the plaintiff, so she can respond within the seven-day deadline.