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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SALADIN RUSHDAN,

Plaintiff,

No. 2:06-cv-0729 GEB KJN P

vs.

T. PERBULA, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner. On September 3, 2010, plaintiff filed notices concerning difficulties with legal mail resulting in the delayed filing of plaintiff's objections to the June 16, 2010 findings and recommendations. Plaintiff also filed a copy of objections to findings and recommendations that were signed by plaintiff on June 24, 2010.

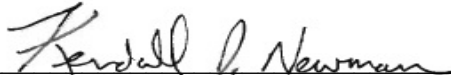
However, on August 31, 2010, plaintiff filed a notice of appeal. The filing of a notice of appeal divests the district court of jurisdiction. Scott v. Younger, 739 F.2d 1464, 1466 (9th Cir. 1984) (citations omitted). Unless the appellate court remands to the district court, this

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1 court is without jurisdiction to consider plaintiff's September 3, 2010 filings. See Bruce v.
2 United States, 759 F.2d 755, 757 (9th Cir. 1985).

3 DATED: September 13, 2010

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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