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

ROSS SHADE,

Plaintiff,

No. 2:08-cv-1069 LKK JFM PS

vs.

BANK OF AMERICA, N.A., USA,  
et al.,

Defendants.

ORDER

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Plaintiff is proceeding pro se and in forma pauperis. On December 23, 2009, the undersigned recommended that this action be dismissed with prejudice. On January 19, 2010, plaintiff filed a notice of interlocutory appeal. The appeal was processed on January 27, 2010. On February 10, 2010, the United States Court of Appeals (the "USCA") denied plaintiff's appeal for lack of jurisdiction based upon the fact that at the time the appeal was processed, the Honorable Lawrence K. Karlton had not yet ruled on the undersigned's December 23, 2009 findings and recommendations. On February 9, 2010, Judge Karlton adopted the undersigned's findings and recommendations and ordered the case dismissed with prejudice. On February 12, 2010, plaintiff filed a notice of appeal. On February 17, 2010, plaintiff's appeal was processed to the Ninth Circuit Court of Appeals.

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1 On February 16, 2010, plaintiff filed a motion for reconsideration in which he  
2 seeks reconsideration of the USCA's February 10, 2010 dismissal in light of Judge Karlton's  
3 order. However, because the USCA, and not the Eastern District of California, dismissed  
4 plaintiff's interlocutory appeal, this court has no authority to reconsider the USCA's order.  
5 Nonetheless, the undersigned notes plaintiff's appeal to the USCA was processed on February  
6 17, 2010.

7 Accordingly, IT IS ORDERED that plaintiff's February 12, 2010 motion for  
8 reconsideration is denied as moot.

9 DATED: February 23, 2010.

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12 UNITED STATES MAGISTRATE JUDGE

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