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

DWAYNE EICHLER,
Plaintiff,

No. CIV S-09-1032-MCE-CMK-P

vs.

ORDER

J. TILTON, et al.,
Defendants.

_____ /

Plaintiff, a state prisoner proceeding pro se, brought this civil rights action pursuant to 42 U.S.C. § 1983. Pending before this court is plaintiff's motion to file an amended complaint (Doc. 25).

This case is closed and an appeal is pending in the Ninth Circuit Court of Appeals. Plaintiff's case was dismissed on May 16, 2011, for failure to state a claim, without further leave to amended. Judgment was entered the same day. Plaintiff then filed a notice of appeal, on May 31, 2011. That appeal has been docketed in the Ninth Circuit, divesting this court of any jurisdiction.

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1 Plaintiff is advised that documents filed in this case since the closing date will be
2 disregarded and no order will issue in response to future filings.

3 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion to amend is
4 denied.

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6 DATED: July 5, 2011

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8 **CRAIG M. KELLISON**
9 UNITED STATES MAGISTRATE JUDGE
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