

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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

THOMAS JOHN HEILMAN,

Plaintiff,

No. CIV S-10-1120 JAM DAD P

vs.

L. SANCHEZ, et al.,

Defendants.

ORDER

\_\_\_\_\_ /

On November 22, 2011, the assigned District Judge adopted the undersigned’s findings and recommendations and dismissed this action due to plaintiff’s failure to state a cognizable claim. (Doc. No. 22.) Judgment was entered that same day. (Doc. No. 22.) After he was granted an extension of time to do so, on January 30, 2012, plaintiff filed a Notice of Appeal. (Doc. No. 28.) Plaintiff was apparently transferred to the R.J. Donovan Correctional Facility shortly thereafter. (Doc. Nos. 30 & 32.)

On February 3, 2012, plaintiff filed with this court a request for a court order directing the California Department of Corrections to return to plaintiff his legal materials so that he could timely pursue his pending appeal and to notify the U.S. Court of Appeals about the difficulties he was encountering in prosecuting his appeal due to his transfer. As noted above, this civil rights action was closed on November 22, 2011, and plaintiff’s notice of appeal was

1 processed to the Court of Appeals on January 31, 2012. Plaintiff is advised that should he  
2 require an extension of time to file briefing due in his pending appeal due to the circumstances of  
3 his transfer, he should direct any such request or other motions to the Ninth Circuit Court of  
4 Appeals. Any documents filed by plaintiff in this court will be disregarded and no orders will  
5 issue in response to future filings.

6 DATED: February 10, 2012.

7  
8   
9 

---

DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

10  
11 DAD:kly/4  
12 heil1120.58  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26