

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
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KEVIN LYNELL KING,
Plaintiff,
v.
JEROME PRICE, et al.,
Defendants.

No. 2:16-cv-1998 KJM KJN P

ORDER

On January 3, 2017, plaintiff filed a motion for extension of time to file a notice of appeal. On December 19, 2016, plaintiff's notice of appeal of the October 13, 2016 order, addressed to the U.S. Court of Appeals for the Ninth Circuit, was processed to the Ninth Circuit on December 20, 2016 (ECF No. 22), and remains pending. Thus, no additional time or filing is required concerning an appeal of the October 13, 2016 order because the appeal has been processed to the Ninth Circuit.

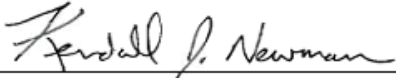
Plaintiff also seeks a thirty day extension of time to "allow the district court to dispose of plaintiff's notice of motion for objections to findings and recommendations (ECF No. 15) so plaintiff may appeal that decision to the Court of Appeals. (ECF No. 23.) However, as explained in this court's November 28, 2016 order, no findings and recommendations have issued in this case. Rather, plaintiff is required to file an amended complaint on or before January 28, 2016. (ECF No. 17.)

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
27
28

Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for an extension of time (ECF No. 23) is denied as moot.

Dated: January 10, 2017

king1998.36


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE