UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

HELEN SOPHIA PURDY,

Petitioner,

v.

ATTORNEY GENERAL OF THE STATE OF CALIFORNIA,

Respondent.

No. 2:17-cv-307 KJM GGH

ORDER

Judgment in this case was entered on August 9, 2017, ECF No. 14. Petitioner took an appeal, ECF No. 16. During the pendency of the appeal the Ninth Circuit remanded for the specific purpose of determining whether petitioner's post-appeal filing, ECF No.15 "Response" was an appropriate post-trial motion. In Findings and Recommendations issued November 27, 2017, ECF No. 21, the undersigned found that the motion could be construed as a Fed.R.Civ.P 52 motion, and recommended that it be denied.[1] Petitioner has filed yet another document in this case subsequent to the judgment entered on August 9, 2017, this time a Motion to Amend the Petition, ECF No. 25. The Motion to Amend will be stricken.

Petitioner cannot simply keep on filing motions in the District Court as if she had not

[1] The Findings and Recommendations have not yet been adopted.

appealed the judgment in this case. The Ninth Circuit issued specific remand instructions, and the court will not go beyond those instructions to adjudicate yet another Motion to Amend. In addition, the Motion is frivolous in any event, and keeps rehashing what was already adjudicated.

Accordingly, IT IS ORDERED that:

1. The Motion to Amend, ECF No. 25 is stricken;
2. Any additional filings by petitioner should be directed to the Ninth Circuit Court of Appeals for consideration within the context of her pending appeal.
3. Petitioner shall file no further pleadings in this court until the appeal is resolved, and only if it is sent back for further adjudication in this court.

Dated: March 1, 2018

/s/ Gregory G. Hollows
UNITED STATES MAGISTRATE JUDGE