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28IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KEENAN WILKINS,

Plaintiff,

v.

SHERIFF GREG AHERN, et al.,

Defendants.  

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No. C-08-1084 MMC

**ORDER DENYING PLAINTIFF'S  
REQUEST FOR LEAVE TO FILE  
INTERLOCUTORY APPEAL**

Before the Court is plaintiff Keenan Wilkin's "Request for Ruling on Unanswered Request," filed July 31, 2012, by which he seeks a ruling on a request included within his June 25, 2012 filing, specifically, a request for leave to file an interlocutory appeal. Having read and considered plaintiff's July 31, 2012 and June 25, 2012 filings, the Court rules as follows.

By order filed February 17, 2012, the Court denied plaintiff's request to lift the stay of proceedings that was imposed by order filed November 30, 2011. In his request filed June 25, 2012, plaintiff renewed his request to lift the stay. Alternatively, in his June 25, 2012 request, plaintiff sought leave to file an interlocutory appeal to seek review of any denial of his renewed request. By order filed July 10, 2012, the Court denied plaintiff's renewed request to lift the stay.

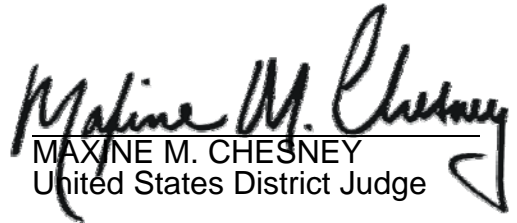
Plaintiff has failed to meet his burden to show that the Court's July 10, 2012 denial

1 of his renewed request to lift the stay “involves a controlling question of law as to which  
2 there is substantial ground for difference of opinion and that an immediate appeal from the  
3 [July 10, 2012] order may materially advance the ultimate termination of the litigation.” See  
4 28 U.S.C. § 1292(b) (setting forth standard for certifying order as appropriate for  
5 interlocutory appeal); Couch v. Telescope Inc., 611 F. 3d 629, 633 (9th Cir. 2009) (holding  
6 “the party pursuing the interlocutory appeal bears the burden” of demonstrating “the  
7 certification requirements of [§ 1292(b)] have been met”).

8           Accordingly, plaintiff’s request for leave to file an interlocutory appeal is hereby  
9 DENIED.

10           **IT IS SO ORDERED.**

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12 Dated: August 7, 2012

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MAXINE M. CHESNEY  
United States District Judge