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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RANDY L. THOMAS,
Plaintiff,

No. C-09-1487 EMC

v.

AIDA CORREA,
Defendant.

**ORDER RE PLAINTIFF’S MOTION,
OBJECTION, AND PETITION FOR
TERMINATION OF PARENTAL
RIGHTS OF AIDA CORREA**
(Docket No. 21)

Previously, the Court dismissed the instant case with prejudice for lack of subject matter jurisdiction and for failure to state a claim for relief. See Docket No. 10 (order, filed on 7/10/2009). Plaintiff appealed the Court’s order. See Docket No. 13 (notice of appeal, dated 8/10/2009). The appeal is now pending before the Ninth Circuit. After filing the appeal, Plaintiff filed with this Court a motion, objection, and petition for the termination of Aida Correa’s parental rights.

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1 Because the case has been appealed to the Ninth Circuit, the Court has no jurisdiction over
2 Plaintiff's current motion. *See Laurino v. Syringa Gen. Hosp.*, 279 F.3d 750, 755 (9th Cir. 2002)
3 ("It is black letter law that, once a notice of appeal is filed from a final judgment, the district court is
4 divested of jurisdiction."). The Clerk of the Court is instructed to provide the Ninth Circuit with a
5 copy of Plaintiff's motion. In addition, the Court advises Plaintiff that, while this case is on appeal,
6 requests for relief of the kind made in his motion should be filed with the Ninth Circuit, not this
7 Court.

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9 IT IS SO ORDERED.

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11 Dated: December 10, 2009

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15 EDWARD M. CHEN
16 United States Magistrate Judge
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1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 RANDY L. THOMAS,

5 Plaintiff,

6 v.

7 CORREA et al,

8 Defendant.

Case Number: CV09-01487 EMC

CERTIFICATE OF SERVICE

9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
10 Court, Northern District of California.

11 That on December 10, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
13 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
14 located in the Clerk's office.

15 Randy L. Thomas
16 5906 Barrington Drive
17 Charlotte, NC 28215



18 Dated: December 10, 2009

Richard W. Wieking, Clerk
By: Betty Lee, Deputy Clerk