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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

TANIS JOCELYN WATT,

No. C 05-05234 SBA

Plaintiff,

ORDER

v.

[Docket Nos. 40-41]

DAVID LEE ROTH, *et al.*,


Defendants.

Before the Court is a motion by plaintiff to transfer this matter to Judge Breyer because he “seems to come to work Sat & Sun.” Docket No. 40. This matter was dismissed on July 10, 2006. *See* Docket No. 12. The Court denied plaintiff’s motion to vacate her dismissal on September 24, 2008. *See* Docket No. 37. The Court denied plaintiff’s motion to vacate its September 24, 2008 Order, on October 22, 2008. *See* Docket No. 39. On November 3, 2008, plaintiff filed a Notice of Appeal. *See* Docket No. 42. As of this date, the Court no longer has jurisdiction over this matter. *See Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982) (per curiam), *cited in City of Los Angeles, Harbor Div. v. Santa Monica Baykeeper*, 254 F.3d 882, 885 (9th Cir. 2001).¹ This motion is DENIED without prejudice.

Also before the Court is an Application to Proceed in Forma Pauperis on Appeal. Docket No. 41. Plaintiff paid a filing fee for her appeal on December 3, 2008. *See* Docket entry for 12/3/2008. This motion is DENIED as moot.

IT IS SO ORDERED.

December 10, 2008


Saundra Brown Armstrong
United States District Judge

¹ The Ninth Circuit has instructed plaintiff to either dismiss her appeal or explain why it should not be disposed of in a summary manner, i.e., without any briefing. Docket No. 50.

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 WATT et al,

5 Plaintiff,

6 v.

7 ROTH et al,

8 Defendant.

Case Number: CV05-05234 SBA

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 12, 2008, 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 Tanis Jocelyn Watt
16 C/O 337-A6 UPS
17 580 Crespi Drive
18 Pacifica, CA 94044

19 Dated: December 12, 2008

Richard W. Wieking, Clerk
By: LISA R CLARK, Deputy Clerk