

1 *forma pauperis* and motions for recusal. The order advised Plaintiff that if he did not pay the
2 filing fee within thirty days, the action would be dismissed without prejudice.

3 On June 7, 2010, Plaintiff filed a notice of interlocutory appeal with respect to the May
4 26 order.² On June 23, 2010, Plaintiff filed motions for leave to proceed on appeal *in forma*
5 *pauperis* and for appointment of appellate counsel. On July 7, 2010 Plaintiff filed a second
6 motion to proceed in appeal *in forma pauperis*.

7 Plaintiff's motions are DENIED. Plaintiff has failed to present any facts demonstrating
8 that the Court's May 26 order was erroneous or that there is any possibility that he could state a
9 cognizable claim against these defendants.

10 "Absent a stay, an appeal seeking review of collateral orders does not deprive the trial
11 court of jurisdiction over other proceedings in the case, and an appeal of an interlocutory order
12 does not ordinarily deprive the district court of jurisdiction except with regard to the matters that
13 are the subject of the appeal." *Britton v. Co-op Banking Group*, 916 F.2d 1405, 1412 (9th Cir.
14 1990). Ordinarily, the Court would dismiss the action at this time for failure to pay the filing fee.
15 However, because the requirement that Plaintiff pay the filing fee arises out of the denial of
16 Plaintiff's request to proceed *in forma pauperis*, the Court instead will STAY the instant action
17 pending disposition of Plaintiff's appeal.

18 Plaintiff is advised that he may file applications for *in forma pauperis* status and for
19 appointment of counsel in the Court of Appeals.

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21 DATED: July 15, 2010

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23 
24 JEREMY FOGEL
25 United States District Judge

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27 ² While not all aspects of the Court's May 26 order are appealable, a denial of a motion to
28 proceed *in forma pauperis* is an appealable order. *Roberts v. District Court*, 339 U.S. 844, 845
(1950).

1 Copies of Order served on:

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