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

THEODORE SHOVE,)	No. C 12-0211 RMW (PR)
)	
Plaintiff,)	ORDER DENYING AND
)	DISMISSING PENDING
v.)	MOTIONS
)	
EDMUND G. BROWN, et al.,)	
)	
Defendants.)	

Plaintiff, an inmate on death row at San Quentin State Prison and proceeding pro se, filed a civil rights action under 42 U.S.C. § 1983 complaining about various problems, including California’s slow process for reviewing capital convictions and sentences. On November 27, 2013, the court dismissed this action for failure to state a claim, and entered judgment. On December 10, 2013, plaintiff filed a motion for hearing to review the court’s conflict of interest because the undersigned was a named defendant, and a motion for “protections and protective orders.” These motions are DENIED as moot.

On December 23, 2013, plaintiff filed a notice of appeal to the Ninth Circuit Court of Appeals. On February 26, 2014, the Ninth Circuit concluded that the appeal was so insubstantial as to not warrant further review, and issued the mandate. Once plaintiff files a notice of appeal, “the rule has generally been stated that the filing of a notice of appeal divests the district court of jurisdiction to dispose of the motion after an appeal has been taken, without a remand from this

1 court.” Scott v. Younger, 739 F.2d 1464, 1466 (9th Cir. 1984) (citation omitted). Thus,
2 plaintiff’s remaining motions, filed after he noticed an appeal, are DISMISSED for lack of
3 jurisdiction.

4 No further filings will be accepted in this closed case.

5 IT IS SO ORDERED.

6 DATED: _____


RONALD M. WHYTE
United States District Judge

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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

THEODORE SHOVE et al,
Plaintiff,

Case Number: CV12-00211 RMW

CERTIFICATE OF SERVICE

v.

EDMUND G. BROWN et al,
Defendant.

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

That on April 18, 2014, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Theodore Shove G11092
San Quentin State Prison
4EB117
San Quentin, CA 94974

Dated: April 18, 2014

Richard W. Wieking, Clerk
By: Jackie Lynn Garcia, Deputy Clerk