

United States District Court
Northern District of California

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

STEVEN M. GOLDSTEIN
Plaintiff,

vs.

**NANCY A. BERRYHILL, COMMISSIONER OF
THE SOCIAL SECURITY ADMINISTRATION,
AND THE SOCIAL SECURITY
ADMINISTRATION**

Defendants.

CASE No.: 13-cv-03504-HRL

**ORDER DISMISSING MOTION FOR NEW
TRIAL AS MOOT**

Re: Dkt. No. 99

Following an order by Magistrate Judge Lloyd granting defendants' motion for summary judgment, plaintiff filed a motion for a new trial. (Dkt. No. 99.) As no trial has occurred, the Court hereby **DENIES** plaintiff's motion for a new trial.

In the event that plaintiff wishes to appeal Judge Lloyd's decision, he should file a Notice of Appeal with the District Court. A sample Notice of Appeal can be found attached to this order and online at <https://cdn.ca9.uscourts.gov/datastore/uploads/forms/form1.pdf>. Pursuant to Federal Rule of Appellate Procedure 3(c), the Notice of Appeal must contain the following information:

1. The party or parties taking the appeal
2. The judgment, order, or part thereof being appealed; and
3. The name of the court to which the appeal is taken (*i.e.*, the "United States Court of Appeals for the Ninth Circuit").

Additionally, the Notice of Appeal must be signed by the appealing party or the party's attorney. See *McKinney v. De Bord*, 507 F.2d 501, 503 (9th Cir. 1974).

IT IS SO ORDERED.

Dated: June 8, 2018



YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE

EXHIBIT 1

Form 1. Notice of Appeal to a Court of Appeals From a Judgment or Order of a District Court

United States District Court for the _____

District of _____

File Number _____

A.B., Plaintiff)

)

v.)

Notice of Appeal

)

C.D., Defendant)

Notice is hereby given that (here name all parties taking the appeal),
(plaintiffs) (defendants) in the above named case*, hereby appeal to the United
States Court of Appeals for the _____ Circuit (from the final judgment) (from an
order (describing it)) entered in this action on the _____ day of
_____, 20__.

(s) _____

Attorney for _____

Address: _____

* See Rule 3(c) for permissible ways of identifying appellants.