

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

CURLEY JOHN BROUSSARD, JR.,	)	No. C 13-4878 LHK (PR)
	)	
Plaintiff,	)	ORDER DISMISSING PENDING
	)	MOTIONS
v.	)	
	)	
SUPERIOR COURT JUDGE, et al.,	)	
	)	
Defendants.	)	
_____	)	

Plaintiff, a California state prisoner proceeding *pro se*, filed a prisoner’s civil rights action under 42 U.S.C. § 1983. On December 6, 2013, the court dismissed the case and entered judgment because plaintiff failed to timely pay the filing fee or file a motion for leave to proceed in forma pauperis.

On December 23, 2013, plaintiff filed a notice of appeal to the Ninth Circuit Court of Appeals. On January 2, 2014, the Ninth Circuit Court of Appeals assigned a case number to plaintiff’s appeal and set a briefing schedule. On January 6, 2014, plaintiff filed a motion for reconsideration in this court. On March 26, 2014, plaintiff filed a motion for transcripts to be paid at the government’s expense.

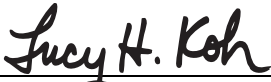
Once plaintiff files a notice of appeal, “the rule has generally been stated that the filing of a notice of appeal divests the district court of jurisdiction to dispose of the motion after an appeal has been taken, without a remand from this court.” *Scott v. Younger*, 739 F.2d 1464, 1466 (9th

1 Cir. 1984) (citation omitted). Thus, plaintiff's motions, filed after he noticed an appeal, are  
2 dismissed for lack of jurisdiction.

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

4 IT IS SO ORDERED.

5 DATED: 4/12/14

  
\_\_\_\_\_  
LUCY H. KOH  
United States District Judge

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28