

1  
2  
3  
4  
5  
6  
7  
8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
10

11 LANCE WILLIAMS,  
12 CDCR #AG-2394,

Plaintiff,

13  
14 vs.

15 O. ORTEGA, et al.,

Defendants.  
16  
17  
18  
19  
20

Case No.: 3:18-cv-00547-LAB-MDD

**ORDER DENYING REQUEST TO  
STAY CASE PENDING  
INTERLOCUTORY APPEAL**

21  
22 The Court on November 4, 2019 dismissed certain claims against defendants  
23 Melgoza and Kimani with prejudice, and one claim against Kimani without prejudice and  
24 with leave to amend. The Court gave Williams 21 days to amend the claim against Kimani  
25 that was dismissed without prejudice. Claims against other Defendants remain pending.

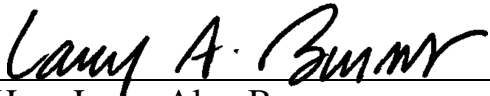
26 Williams then filed a notice of appeal, along with a request to stay the case until the  
27 appeal is adjudicated. (Docket no. 34.) Ordinarily, a notice of appeal divests the Court of  
28 jurisdiction over the matters appealed. *Griggs v. Provident Consumer Discount Co.*, 459

1 U.S. 56, 58 (1982) (per curiam). But a notice of appeal from a nonappealable interlocutory  
2 order does not divest the Court of jurisdiction. *Estate of Conners v. Meredith v. O'Connor*,  
3 6 F.3d 656, 658 (9<sup>th</sup> Cir. 1983); *Ruby v. Secretary of the Navy*, 365 F.2d 385, 389 (9<sup>th</sup> Cir.  
4 1966) (en banc).

5 The Court's order requiring Williams to amend the claim that was dismissed without  
6 prejudice remains in effect, except that the Court extends the time by an additional 21  
7 calendar days. If he does not amend within the time permitted, the Court will treat that  
8 claim as abandoned. The motion to stay is **DENIED**.

9  
10 **IT IS SO ORDERED.**

11  
12 Dated: November 20, 2019

13   
14 \_\_\_\_\_  
15 Hon. Larry Alan Burns  
16 Chief United States District Judge  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28