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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

RICKY LEE GRUNDY,)
)
 Plaintiff,)
)
 vs.)
)
 HOWARD SKOLNICK, et al.,)
)
 Defendants.)
 _____)

Case No.: 2:07-cv-00694-RLH-LRL

ORDER

(Motion to Vacate #130;
Motion for Hearing #131)

Before the Court is Plaintiff Ricky Lee Grundy’s **Motion to Vacate** (#130, filed April 28, 2011). Also before the Court is Grundy’s **Motion for Hearing** (#131, filed April 28, 2011). The Court need not wait for Defendants to respond to either motion.

Grundy asks the Court to vacate its Order (#128, March, 31, 2011), and to order a hearing on Defendants Motion for Summary Judgment (#108, Dec. 2, 2010). Nonetheless, days after filing this motion, Grundy appealed the same order that he asks this Court to vacate. This appeal divests this Court of jurisdiction over these motions. The Ninth Circuit Court of Appeals will now determine the propriety of the Court’s order and the Court dismisses both of Grundy’s motions as moot.

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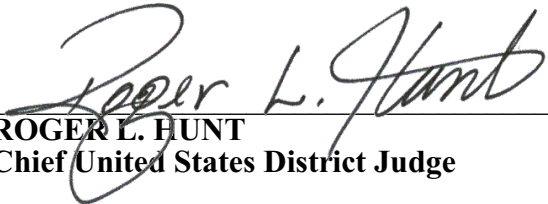
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CONCLUSION

Accordingly, and for good cause appearing,
IT IS HEREBY ORDERED that Plaintiff's Motion to Vacate (#130) is DENIED as
moot.

IT IS FURTHER ORDERED that Plaintiff's Motion for Hearing (#131) is
DENIED as moot.

Dated: May 3, 2011.


ROGER L. HUNT
Chief United States District Judge