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8 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
9 AT TACOMA

10 ALAA ELKHARWILY, M.D.,

11 Plaintiff,

12 v.

13 FRANCISCAN HEALTH SYSTEM, a  
14 Washington non-profit corporation,

15 Defendant.

CASE NO. 15-5579RJB

ORDER STRIKING MOTION

16 This matter comes before the court on review of the file. It appears that Plaintiff filed a  
17 Motion for Relief from Judgment - Rule 60 on January 3, 2017 (Dkt. 146) and on January 5,  
18 2017, Plaintiff filed a Notice of Appeal.

19 The Notice of Appeal places jurisdiction over this case in the Ninth Circuit Court of  
20 Appeals and divests the District Court of jurisdiction. *Griggs v. Provident Consumer Disc. Co.*,  
21 459 U.S. 56, 58 (1982); *United States v Sadler*, 480 F.3d 932, 941 (9<sup>th</sup> Cir. 2007). Accordingly,  
22 Plaintiff's Motion for Relief from Judgment – Rule 60 (Dkt. 146) should be STRICKEN from  
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1 the District Court calendar and should be held in abeyance pending the results of the proceedings  
2 in the Ninth Circuit Court of Appeals.

3 IT IS SO ORDERED.

4 The Clerk is directed to send uncertified copies of this Order to all counsel of record and  
5 to any party appearing *pro se* at said party's last known address.

6 Dated this 12<sup>th</sup> day of January, 2017.

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9 ROBERT J. BRYAN  
United States District Judge