

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

JUL 16 2018

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

ALICE BROWN,

Plaintiff - Appellant,

v.

COUNTY OF DEL NORTE; et al.,

Defendants - Appellees.

No. 18-15649

D.C. No. 1:16-cv-07235-RMI  
U.S. District Court for Northern  
California, San Francisco

**MANDATE**

The judgment of this Court, entered May 23, 2018, takes effect this date.

This constitutes the formal mandate of this Court issued pursuant to Rule  
41(a) of the Federal Rules of Appellate Procedure.

FOR THE COURT:

MOLLY C. DWYER  
CLERK OF COURT

By: Rhonda Roberts  
Deputy Clerk  
Ninth Circuit Rule 27-7

**APPENDIX A**

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D.C. No. 1:16-cv-07235-RMI  
Northern District of California,  
San Francisco

ORDER

Before: THOMAS, Chief Judge, W. FLETCHER and CALLAHAN, Circuit Judges.

A review of the record demonstrates that this court lacks jurisdiction over this appeal because the order challenged in the appeal is not final or appealable.

*See* 28 U.S.C. § 1291; *United States v. Washington*, 573 F.2d 1121, 1122 (9th Cir. 1978) (order denying motion to disqualify judge is not final or appealable).

Consequently, this appeal is dismissed for lack of jurisdiction.

**DISMISSED.**

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3  
4 ALICE BROWN,

5 Plaintiff,

6 v.

7  
8 UNITED STATES, et al.,

9 Defendants.

10  
11 Case No. 16-cv-07235-RMI

12  
13  
14 ORDER DENYING MOTION TO  
15 DISQUALIFY MAGISTRATE JUDGE

16 Re: Dkt. No. 70

17  
18 On April 9, 2018, Plaintiff filed a motion to disqualify the undersigned pursuant to 28  
19 U.S.C. § 455(a). (Doc. 70.) Pursuant to Civil Local Rule 7-1(b), the court finds that this matter is  
20 appropriate for decision without oral argument and therefore takes the matter under submission on  
21 the papers. Plaintiff's motion is hereby DENIED.

22  
23 IT IS SO ORDERED.

24  
25 Dated: April 11, 2018

26  
27  
28   
ROBERT P. M. ILLMAN  
United States Magistrate Judge

APPENDIX C

**Additional material  
from this filing is  
available in the  
Clerk's Office.**