UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ARTHUR TAYLOR,

Plaintiff-Appellant,

v.

LANDON BIRD, Warden at DVI; ABT,

Defendants-Appellees.

No. 22-16104

D.C. No.
2:20-cv-02007-JAM-DB
Eastern District of California,
Sacramento

ORDER

Before: TASHIMA, S.R. THOMAS, and CLIFTON, Circuit Judges.

A review of the record and appellant's responses to this court's July 28, 2022 order to show cause demonstrates that this court lacks jurisdiction over this appeal because the July 18, 2022 notice of appeal was not filed or delivered to prison officials within 30 days after the district court's judgment entered on March 16, 2022. *See* 28 U.S.C. § 2107(a); *United States v. Sadler*, 480 F.3d 932, 937 (9th Cir. 2007) (requirement of timely notice of appeal is jurisdictional). Consequently, this appeal is dismissed for lack of jurisdiction.

All pending motions are denied as moot.

DISMISSED.

MF/Pro Se

FILED

MAR 20 2023

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

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ARTHUR TAYLOR, Plaintiff-Appellant, v. LANDON BIRD, Warden at DVI; ABT, Defendants-Appellees.	No. 22-16104 D.C. No. 2:20-cv-02007-JAM-DB Eastern District of California, Sacramento ORDER

Before: TASHIMA, S.R. THOMAS, and CLIFTON, Circuit Judges.

To the extent that appellant's December 27, 2022 motion requests reconsideration of the court's December 13, 2022 order dismissing this appeal, the motion (Docket Entry No. 15) is denied. *See* 9th Cir. R. 27-10.

All other pending motions are denied.

No further filings will be entertained in this closed case.

MF/Pro Se

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

ARTHUR TAYLOR,

Plaintiff,

v.

LANDON BIRD,

Defendant.

No. 2:20-cv-2007 JAM DB P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 12, 2022, the magistrate judge filed findings and recommendations herein which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within thirty days. Plaintiff has filed objections to the findings and recommendations. (ECF No. 35.)

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

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UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

ARTHUR TAYLOR,

Plaintiff,

v.

LANDON BIRD,

Defendant.

No. 2:20-cv-2007 JAM DB P

FINDINGS AND RECOMMENDATIONS

Plaintiff, a state prisoner, proceeds pro se with a civil rights action. By order signed on October 8, 2021 (ECF No. 28), the undersigned screened plaintiff's first amended complaint, determined it failed to state a claim for relief, and informed plaintiff of its deficiencies. By the same order, the undersigned granted plaintiff leave to file a second amended complaint curing the deficiencies identified therein. In the alternative, plaintiff was notified he could file a notice of voluntary dismissal or a notice of election to stand on the first amended complaint. By document received and filed on December 20, 2021 (ECF No. 32), plaintiff has indicated he wishes to stand on his first amended complaint.[1] Accordingly, for the reasons set forth in the October 8, 2021 screening order (ECF No. 28), the undersigned recommends plaintiff's first amended complaint be dismissed without further leave to amend.

[1] Although plaintiff's December 20, 2021 filing is titled "Leave to Amend," based on its contents and request contained therein to "stand on [the] amended complaint," the undersigned construes the filing as a notice that plaintiff elects to stand on his first amended complaint.

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