

FILED

UNITED STATES COURT OF APPEALS

OCT 07 2014

FOR THE NINTH CIRCUIT

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

JEFF SILVESTER; et al.,

Plaintiffs - Appellees,

v.

KAMALA D. HARRIS, Attorney General
of the State of California, in her official
capacity,

Defendant - Appellant.

No. 14-16840

D.C. No. 1:11-cv-02137-AWI-
SKO

Eastern District of California,
Fresno

ORDER

The notice of appeal was filed during the pendency of a timely filed motion listed in Federal Rule of Appellate Procedure 4(a)(4). The notice of appeal is therefore ineffective until entry of the order disposing of the last such motion outstanding. *See* Fed. R. App. P. 4(a)(4). Accordingly, appellant's motion to hold this appeal in abeyance is granted. Appellate proceedings other than mediation shall be held in abeyance pending the district court's resolution of the motion to amend the judgment. *See Leader Nat'l Ins. Co. v. Indus. Indem. Ins. Co.*, 19 F.3d 444, 445 (9th Cir. 1994).

Within 5 days after the district court's ruling on the pending motion, appellant shall notify this court in writing of the ruling and shall advise whether appellant intends to prosecute this appeal.

To appeal the district court's ruling on the post-judgment motion, appellant must file an amended notice of appeal within the time prescribed by Federal Rule of Appellate Procedure 4.

The Clerk shall serve this order on the district court.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

By: Allison Taylor
Motions Attorney/Deputy Clerk