

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

DEC 07 2009

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

WILEY S. DRAKE; et al.,

Plaintiffs - Appellants,

and

Ambassador ALAN KEYES, Ph.D.; et al.,

Plaintiffs,

v.

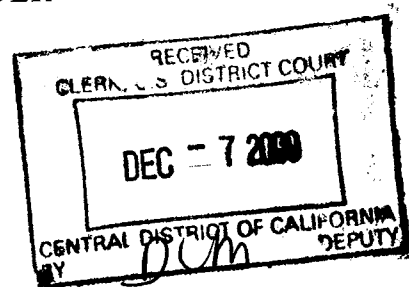
BARACK HUSSEIN OBAMA; et al.,

Defendants - Appellees.

No. 09-56827

D.C. No. 8:09-cv-00082-DOC
Central District of California,
Santa Ana

ORDER



The court's records reflect that 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, proceedings in this court shall be held in abeyance pending the district court's resolution of the pending motion. *See Leader Nat'l Ins. Co. v. Indus. Indem. Ins. Co.*, 19 F.3d 444, 445 (9th Cir. 1994).

KW/MOATT

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 Dwyer
Clerk of Court

By: Kathryn E. White
Motions Attorney/Deputy Clerk
9th Cir. R. 27-7
General Orders/Appendix A