

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

APR 19 2019

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

ARLENA MINERVA WILLES, on behalf
of J.D.Z. in the custody of the Child Safety
Services on behalf of J.D.Z,

Petitioner-Appellant,

v.

ARIZONA DEPARTMENT OF CHILD
SAFETY, named as Department of Child
Services (Safety) in original Petition;
MARICOPA COUNTY JUVENILE
COURT, named as Juvenile Court in
original Petition,

Respondents-Appellees.

No. 19-15723

D.C. No.

2:19-cv-00068-JJT-JFM

District of Arizona,

Phoenix

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), and that motion is still pending in the district court. The April 9, 2019 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 are held in abeyance pending the district court's resolution of the pending April 9, 2019 motion. *See Leader Nat'l Ins. Co. v. Indus. Indem. Ins. Co.*, 19 F.3d 444, 445 (9th Cir. 1994).

Within 14 days after the district court's ruling on the pending motion, appellant shall file a written notice in this court: (1) informing this court of the district court's ruling; and (2) stating 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: Joseph Williams
Deputy Clerk
Ninth Circuit Rule 27-7