

743 Fed.Appx. 875 (Mem)

This case was not selected for publication in West's Federal Reporter.

See Fed. Rule of Appellate Procedure 32.1 generally governing citation of judicial decisions issued on or after Jan. 1, 2007. See also U.S.Ct. of App. 9th Cir.

Rule 36-3.

United States Court of Appeals, Ninth Circuit.

Ralph COLEMAN; et al., Plaintiffs-Appellees,
v.

Edmund G. BROWN, Jr., Governor of the State of California; et al., Defendants-Appellants.

No. 17-16080

|
Argued and Submitted November 13, 2018 San
Francisco, California

|
Filed November 28, 2018

Attorneys and Law Firms

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Appeal from the United States District Court for the Eastern District of California, Kimberly J. Mueller, District Judge, Presiding, D.C. No. 2:90-cv-00520-KJM-DB

Footnotes

* The Honorable Edward R. Korman, United States District Judge for the Eastern District of New York, sitting by designation.

** This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

Before: SCHROEDER and WATFORD, Circuit Judges,
and KORMAN,* District Judge.

*876 MEMORANDUM**

State officials appeal from the district court's order of April 2017, requiring them to come into compliance with the Program Guide timelines for transfer of class members to inpatient care or face civil contempt and monetary sanctions. Because the order is not appealable, we dismiss for lack of jurisdiction.

1. The district court's order did not grant or modify an injunction so as to give us jurisdiction under 28 U.S.C. § 1292(a)(1). Appellants were first ordered to comply with the Program Guide timelines in 2006. The April 2017 order required nothing more. Because it did not "change[] the terms and force of the injunction as it stood immediately prior," *Gon v. First State Insurance Co.*, 871 F.2d 863, 866 (9th Cir. 1989), it cannot be appealed.

2. Nor was the order "final" within the meaning of 28 U.S.C. § 1291. It was instead "an interim step toward further proceedings." *Plata v. Schwarzenegger*, 560 F.3d 976, 980 (9th Cir. 2009). "A civil contempt order is ordinarily not appealable until the district court has adjudicated the contempt motion and applied sanctions." *Id.* We see no reason to depart from that settled rule.

We DENY appellees' fourth request for judicial notice (Docket No. 65).

DISMISSED.

All Citations

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