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**NOT FOR CITATION**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

OUR CHILDREN'S EARTH FOUNDATION,  
et al.,

Plaintiffs,

No. C 04-2132 PJH

v.

**ORDER DENYING PLAINTIFFS'  
MOTION TO TRANSFER**

U.S. ENVIRONMENTAL PROTECTION  
AGENCY, et al.,

Defendants.

\_\_\_\_\_ /

Before this court is plaintiffs' motion to transfer certain claims to the Ninth Circuit. Having carefully read the parties' papers and considered the relevant legal authority, the court DENIES the motion.<sup>1</sup>

Plaintiffs filed a notice of appeal in this case on June 24, 2005. The filing of a notice of appeal completely divests this court of jurisdiction over this matter. See, e.g., Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 58 (1982); Natural Resources Defense Council, Inc. v. Southwest Marine, Inc., 242 F.3d 1163, 1166 (9th Cir. 2001).

**IT IS SO ORDERED.**

Dated: August 15, 2005

  
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PHYLLIS J. HAMILTON  
United States District Judge

<sup>1</sup> The court finds this motion appropriate for decision without oral argument as permitted by Civil L.R. 7-1(b) and Fed. R. Civ. P. 78. See also Lake at Las Vegas Investors Group, Inc. v. Pacific Malibu Dev. Corp., 933 F.2d 724, 729 (9th Cir. 1991) (holding that the court's consideration of the moving and opposition papers is deemed an adequate substitute for a formal hearing), cert. denied, 503 U.S. 920 (1992). Accordingly, the August 17, 2005 hearing date is hereby VACATED.