

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 20-1308

Pace v. Baker-White
(E.D. Pa. No. 2-19-cv-04827)

ORDER

Appellant seeks review of the District Court’s order entered January 13, 2020, dismissing the complaint with prejudice. On November 18, 2019, however, the District Court entered an order granting a motion to voluntarily dismiss the Federal Community Defender Office (FCDO) without prejudice. Attached to the notice of dismissal as Exhibit A was a “Tolling Agreement” which indicates that if Plaintiff takes an appeal of Defendant Baker-White’s dismissal and that dismissal is reversed on appeal, then the FCDO would not be considered dismissed with prejudice and could be rejoined into the action. Given this, the order appealed may not be final within the meaning of 28 U.S.C. § 1291 and may not otherwise be appealable at this time. All parties must file written responses addressing this issue, with a certificate of service attached, within fourteen (14) days from the date of this order.

For the Court,

s/ Patricia S. Dodszuweit
Clerk

Dated: February 13, 2020
MB/cc: Louis F. Tumolo, Esq.
Rufus A. Jennings, Esq.
Benjamin H. McCoy, Esq.
Michael K. Twersky, Esq.
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