

United States Court of Appeals For the First Circuit

No. 18-1961

JOYCE ROWLEY,

Plaintiff - Appellant,

v.

CITY OF NEW BEDFORD, Commonwealth of Massachusetts,

Defendant - Appellee.

ORDER OF COURT

Entered: November 2, 2018
Pursuant to 1st Cir. R. 27.0(d)

Plaintiff-appellant Joyce Rowley filed a Notice of Appeal (D. Ct. No. 37) in district court case no. 17-cv-11809-WGY (D. Mass.), challenging the district court's Memorandum and Order (D. Ct. No. 34), entered September 25, 2018 denying defendant-appellee City of New Bedford's motion to dismiss, and ordering that a hearing on plaintiff-appellant's motion seeking a preliminary injunction "be joined with trial on the merits pursuant to Federal Rule of Civil Procedure 65(a)." Upon review, it appears this court may not have jurisdiction to review the district court's September 25, 2018 Memorandum and Order because it is not a final or otherwise appealable interlocutory order. See 28 U.S.C. §§ 1291, 1292; see also In re Recticel Foam Corp., 859 F.2d 1000, 1002-1003 (1st Cir. 1988) (Case management orders are not ordinarily amenable to immediate appellate review.) We also note that plaintiff-appellant's Motion for Preliminary Injunction was denied as moot (D. Ct. No. 35) and she filed a renewed Motion for Preliminary Injunction (D. Ct. No. 27) which remains pending.

Accordingly, plaintiff-appellant Joyce Rowley is ordered to either move for voluntary dismissal of this appeal pursuant to Fed. R. App. P. 42(b), or show cause, in writing, filed by **November 16, 2018** why this appeal should not be dismissed for lack of jurisdiction. The failure to take either action will lead to dismissal of this appeal for lack of diligent prosecution. See 1st Cir. R. 3.0(b).

By the Court:

Maria R. Hamilton, Clerk

cc: Joyce Rowley, John A. Markey Jr.