

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CALVIN BUTLER

v.

CITY OF PHILADELPHIA, et al.

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CIVIL ACTION  
NO. 12-1955

O'NEILL, J.

SEPTEMBER 4, 2012

**MEMORANDUM AND ORDER**

Pro se plaintiff Calvin Butler has filed a one-page document captioned "Motion for Notice of Appeal" in which he states that "I Calvin Butler do hereby certify that a true and correct copy of the foregoing (notice of appeal) has been or is to be served upon City of Philadelphia & Gerald Stien [sic] by placing the same in the U.S. mail properly addressed this 28 day of June 2012." I will construe Butler's filing as a request for an interlocutory appeal of my June 18, 2012 Order, which among other things added certain defendants and dismissed certain other defendants. As that Order does not "involve[] a controlling question of law as to which there is substantial ground for difference of opinion," nor would an immediate appeal from that Order "materially advance the ultimate termination of the litigation," 28 U.S.C. § 1292(b), I will not certify an interlocutory appeal of that Order.

AND NOW, this 4th day of September, 2012, upon consideration of plaintiff Calvin Butler's Motion for Notice of Appeal, it is ordered that the motion is DENIED.

s/Thomas N. O'Neill, Jr.  
THOMAS N. O'NEILL, JR., J.