

UNITED STATES COURT OF APPEALS

FILED

FOR THE NINTH CIRCUIT

MAR 16 2007

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff - Appellant,

v.

SANMINA-SCI CORPORATION,

Defendant - Appellee.

No. 06-15997

D.C. No. CV-04-02000-EHC
District of Arizona,
Phoenix

ORDER

The motion to dismiss the appeal without prejudice is granted. The appeal is dismissed without prejudice to reinstatement in the event that the U.S. District Court for the District of Arizona does not grant in its entirety Sanmina's motion to withdraw Sanmina's pending Motion for Sanctions Against the EEOC and/or Its Attorneys.

Reinstatement shall be by notice filed by any party in this court and served on the other parties and the undersigned within 28 days of denial of the above referred motion, but in any event by May 31, 2008. If no notice of reinstatement is filed and served by May 31, 2008, the appeal will be deemed dismissed with prejudice.

A certified copy of this order shall serve as the mandate of this court.

FOR THE COURT



Peter W. Sherwood
Circuit Mediator


A TRUE COPY
CATHY A. CATTERSON
Clerk of Court
ATTEST

MAR 15 2007

by: _____
Deputy Clerk

A TRUE COPY
CATHY A. CATTERSON
Clerk of Court
ATTEST

MAR 16 2007

by:  _____
Deputy Clerk