

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604



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NOTICE OF ISSUANCE OF MANDATE

October 10, 2012

To: Pamela E. Robinson
UNITED STATES DISTRICT COURT
Central District of Illinois
U.S. Courthouse
Urbana , IL 61802-3369

No.: 12-2662	MALIBU MEDIA LLC, Plaintiff - Appellant v. JOHN DOES, 1-14, Defendants - Appellees
Originating Case Information:	
District Court No: 2:12-cv-02159-HAB-DGB Central District of Illinois District Judge Harold A. Baker	

Herewith is the mandate of this court in this appeal, along with the Bill of Costs, if any. A certified copy of the opinion/order of the court and judgment, if any, and any direction as to costs shall constitute the mandate.

RECORD ON APPEAL STATUS:

No record to be returned

NOTE TO COUNSEL:

If any physical and large documentary exhibits have been filed in the above-entitled cause, they are to be withdrawn ten (10) days from the date of this notice. Exhibits not withdrawn during this period will be disposed of.

Please acknowledge receipt of these documents on the enclosed copy of this notice.

Received above mandate and record, if any, from the Clerk, U.S. Court of Appeals for the Seventh Circuit.

Date: 10/10/2012

Received by: s/ V. Ball

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

September 18, 2012

CERTIFIED COPY



Before

Frank H. Easterbrook, Chief Judge
Ilana Diamond Rovner, Circuit Judge
Diane P. Wood, Circuit Judge

MALIBU MEDIA LLC,]	Appeal from the United
Plaintiff-Appellant,]	States District Court for
]	the Central District of
No. 12-2662	v.]	Illinois.
]	
JOHN DOES, 1-14,]	No. 2:12-cv-02159-HAB-DGB
Defendants-Appellees.]	
]	Harold A. Baker, Judge.

O R D E R

Plaintiff-appellant Malibu Media LLC appeals the denial of its motion for leave to serve third-party subpoenas in advance of the Fed. R. Civ. P. 26(f) conference. See Fed. R. Civ. P. 26(d)(1). It claims that the order "effectively ended the litigation and was tantamount to dismissing Appellant's case with prejudice," asserting the collateral order doctrine as a basis for appellate review.

The district court, however, has not dismissed the case, and until it actually does so, plaintiff-appellant Malibu Media LLC cannot obtain review of the district court's order denying its discovery request to uncover the identity of the unknown defendants. Quite simply, the order is not unreviewable on appeal from a final judgment - one of the requirements for collateral-order review. *Digital Equipment Corp. v. Desktop Direct, Inc.*, 511 U.S. 863, 867 (1994).

This appeal is DISMISSED for lack of jurisdiction.