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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JAIME IGNACIO ESTRADA,

Plaintiff - Appellant,

v.

C. MALO CLINES,

Defendant - Appellee.

No. 13-15551

D.C. No. 5:10-cv-04832-LHK

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Lucy Koh, District Judge, Presiding

Submitted February 18, 2014**

Before: ALARCÓN, O’SANNLAIN, and FERNANDEZ, Circuit Judges.

California state prisoner Jaime Ignacio Estrada appeals pro se from the district court’s order denying his Fed. R. Civ. P. Rule 60(b) motion to vacate entry of summary judgment in his 42 U.S.C. § 1983 action. We have jurisdiction under

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

28 U.S.C. § 1291. We review de novo, *Williams v. Woodford*, 384 F.3d 567, 586 (9th Cir. 2004), and we affirm.

The district court properly concluded that it lacked jurisdiction to entertain Estrada's Rule 60(b) motion, which was filed after the notice of appeal had been filed, thereby depriving the district court of its jurisdiction. *See id.* (vacating for lack of jurisdiction an order denying a Rule 60(b) motion where the motion was filed after the notice of appeal and movant did not follow the procedure for seeking a remand of the case back to district court).

AFFIRMED.