

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

CLINTON P. BORN, II,

Plaintiff,

v.

STATE OF IDAHO; ADA COUNTY,
FOURTH JUDICIAL DISTRICT;
DANIEL STECKEL, Ada County
Magistrate Judge; KEVIN SWAIN, Ada
County Magistrate Judge; GREG
BOWER et. al., Ada County Prosecutor's
Office,

Defendants.

Case No. 1:15-cv-551-BLW

MEMORANDUM DECISION AND
ORDER

INTRODUCTION

Pending before the Court is plaintiff's request for an extension to amend his complaint. Dkt. 13. Plaintiff filed this request after the Court entered judgment in this case and after he filed a notice of appeal with the Ninth Circuit. *See* Dkts 8, 9. The Court thus lacked jurisdiction to hear the request at the time it was filed. *See Griggs v. Provident Consumer Co.*, 459 U.S. 56, 58 (1982) ("The filing of a notice of appeal is an event of jurisdictional significance – it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal."). Ultimately, the Ninth Circuit did not have jurisdiction over the appeal because Born's notice of appeal was untimely. *See July 25, 2016 Ninth Circuit Order*, Dkt. 15.

Nevertheless, this does not change the fact that the Court did not have jurisdiction over the motion when it was filed. Further, even assuming it had jurisdiction, the Court would deny the request for an extension as Born failed to show good cause.

ORDER

It IS ORDERED that plaintiff's Request for an extension to amend his complaint (Dkt. 13) is DISMISSED.



DATED: November 30, 2016

A handwritten signature in black ink that reads "B. Lynn Winmill". The signature is written in a cursive style and is positioned above a horizontal line.

B. Lynn Winmill
Chief Judge
United States District Court