

of appeals and divests the district court of its control over those aspects of the case involved in the appeal.”” *In re Mosley*, 494 F.3d 1320, 1328 (11th Cir. 2007)”).

Upon consideration, the Court lacks jurisdiction to take action regarding Jones’ two (2) motions (even if Jones were to timely file a Rule 59(b) motion for a new trial). 11 CHARLES ALAN WRIGHT, ARTHUR R. MILLER & MARY KAY KANE, FEDERAL PRACTICE AND PROCEDURE § 2821 at 222 (2d ed. 1995) (providing that where a notice of appeal is filed, a subsequent Rule 59(b) motion for new trial – even if timely – is ineffective as jurisdiction is no longer in the district court). See also e.g., Baker v. Windsor Republic Doors, 2008 WL 2461383, *7-8 (W.D. Tenn. 2008). Accordingly, it is **ORDERED** that Jones’ motions (Docs. 125, 126) are **DENIED** due to lack of jurisdiction before this Court.

DONE and ORDERED this the 24th day of **October 2012**.

s/ Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE