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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

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9 GEORGE M. PAPA, and DEBRA JO
10 PAPA, husband and wife,

11 Plaintiffs,

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vs.

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14 STATE OF ARIZONA, et al.,

15 Defendants.

No. CV 06-3060-PHX-MHM

AMENDED ORDER

16 The Court will amend the Order issued on September 11, 2008 (Dkt. #43), to
17 reflect that Defendants' Motion to Strike (Dkt. #42) is DENIED as moot rather than
18 granted. The Court no longer retains jurisdiction to consider motions filed in this case
19 pending appeal, as discussed in the Court's September 11, 2008 Order. See Dkt. #43; see
20 also Crateo, Inc. v. Intermark, Inc., 536 F.2d 862, 869 (9th Cir. 1976) ("Because of the
21 pending appeal, the District Court [has] no jurisdiction to enter an order under Rule
22 60(b)."); McManus v. District of Columbia, 545 F.Supp.2d 129, 133 (D.D.C. 2008) ("The
23 district court does not regain jurisdiction over the aspects of the case involved in the
24 appeal until the court of appeals issues its mandate.").

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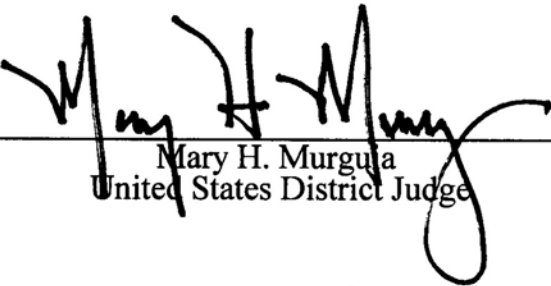
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Accordingly,

IT IS HEREBY ORDERED amending the Court's September 11, 2008 Order (Dkt. #43) to reflect that Defendants' Motion to Strike (Dkt. #42) is DENIED as moot rather than granted.

DATED this 15th day of September, 2008.



Mary H. Murgula
United States District Judge