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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

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Fausto U. Cettolin, Jr.; Donna L. Cettolin,)

No. CV 10-8036-PCT-JAT

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Plaintiffs,

**ORDER**

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vs.

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GMAC; Mortgage Electronic Registration  
Systems, Inc.; Executive Trustee Services,  
LLC; et. al.,

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Defendants.

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Plaintiffs filed their Notice of Appeal on December 27, 2010. (Doc. 42.) “Once a notice of appeal is filed, the district court is divested of jurisdiction over the matters being appealed.” *Natural Res. Def. Council v. Southwest Marine Inc.*, 242 F.3d 1163, 1166 (9th Cir. 2001)(quoting *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982)). The Court retains jurisdiction pursuant to Fed. R. App. P. 4(a)(4)(B)(i), even after a notice of appeal has been filed, to dispose of certain *previously-filed* motions to modify, amend or provide relief from the Court’s judgment. *See Natural Res. Def. Council.*, 242 F.3d at 1166 (emphasis added).

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Plaintiffs filed their “New Motion for Relief on Consent Orders – FRCP 60” on May 20, 2011. (Doc. 45.) They filed their Notice of Appeal on December 27, 2010. (Doc. 42.) Because Plaintiffs filed the pending Motion for Relief after they filed their Notice of Appeal, the Court lacks jurisdiction to decide the Motion. *Id.*

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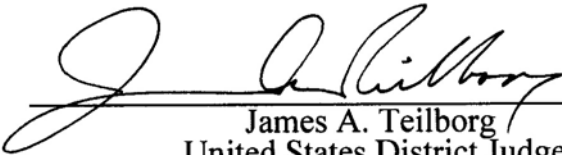
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Accordingly,

**IT IS ORDERED** DENYING Plaintiffs' New Motion for Relief on Consent Orders  
– FRCP 60 (Doc. 45) and the associated Request for Judicial Notice (Doc. 46).

DATED this 24th day of May, 2011.

  
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James A. Teilborg  
United States District Judge