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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

<p>GREGORIO ROBERTO ORTIZ JR.</p> <p style="padding-left: 100px;">Petitioner,</p> <p>vs.</p> <p>VICTOR ALMAGER, WARDEN ,</p> <p style="padding-left: 100px;">Respondent.</p> <hr style="width: 40%; margin-left: 0;"/>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Case No. 2:05-cv-00052-PSG-VBKx</p> <p>PETITIONER’S MOTION TO DISQUALIFY (Dkt. 71, filed July 7, 2014)</p>
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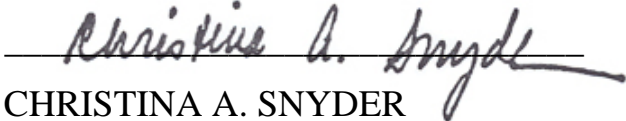
On July 7, 2014, petitioner Gregorio Roberto Ortiz Jr. filed this motion to disqualify the Honorable Phillip S. Gutierrez, United States District Judge, the Honorable Victor B. Kenton, United States Magistrate Judge, and the Honorable Fernando M. Olguin, United States District Judge. Dkt. 71. Petitioner asserts that these judges have exhibited bias in their handling of petitioner’s habeas corpus case. The motion was randomly assigned to the undersigned for ruling pursuant to General Order 08-05 and Local Rule 72-5.

The Court concludes that it lacks jurisdiction to consider petitioner’s motion to disqualify. On July 7, 2014, on the same day he filed this motion to disqualify, petitioner also filed a notice of appeal to the Ninth Circuit. “The filing of a notice of

1 appeal is an event of jurisdictional significance—it confers jurisdiction on the court of
2 appeals and divests the district court of its control over those aspects of the case
3 involved in the appeal.” Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 58
4 (1982). Because petitioners’s motion to disqualify Judges Gutierrez, Kenton, and
5 Olguin focuses on their handling of the merits of petitioner’s case, petitioner’s appeal
6 divested this Court of jurisdiction over the motion to disqualify. Accordingly, the
7 motion is hereby DENIED without prejudice, subject to renewal after resolution of
8 petitioner’s appeal.

9 IT IS SO ORDERED.

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11 Dated: July 22, 2014


CHRISTINA A. SNYDER
United States District Judge