



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **CV 11-2309-DMG (JEMx)** Date April 11, 2013

Title **Michael Burtscher, et al. v. Ivan Rene Moore, et al.** Page 1 of 1

Present: The Honorable **DOLLY M. GEE, UNITED STATES DISTRICT JUDGE**

VALENCIA VALLERY

Deputy Clerk

NOT REPORTED

Court Reporter

Attorneys Present for Plaintiff(s)
None Present

Attorneys Present for Defendant(s)
None Present

Proceedings: IN CHAMBERS—ORDER DENYING DEFENDANT IVAN RENE MOORE’S MOTION TO STAY ORDER OR PROCEEDING FOR DEFAULT JUDGMENT PENDING APPEAL [DOC. # 301]

On February 7, 2013, this Court issued an order denying Defendant Ivan Rene Moore’s motion to set aside entry of default. [Doc. # 256.] Defendant Moore filed a notice of appeal to the Ninth Circuit Court of Appeals on March 1, 2013. [Doc. # 262.] On March 28, 2013, the Ninth Circuit dismissed the appeal, finding that it lacked jurisdiction because the order denying Moore’s motion to set aside default was not final or appealable. (*Id.* at 1 (citing Fed. R. Civ. P. 54(b).) Moore now asks the Court to stay adjudication of the motion for default judgment against him, currently set for hearing on April 19, 2013, arguing that the Court lacks jurisdiction due to the filing of a notice of appeal. [Doc. # 301.]

In light of the Ninth Circuit’s dismissal of Moore’s appeal for lack of jurisdiction, this Court retains jurisdiction over the case in its entirety, including the pending motion for default judgment. *See* 18 U.S.C. § 1291 (“The courts of appeals . . . shall have jurisdiction of appeals from all final decisions of the district courts”); *Bagdasarian Prod., LLC v. Twentieth Century Fox Film Corp.*, 673 F.3d 1267, 1270 (9th Cir. 2012) (explaining that appellate courts have jurisdiction to hear appeals from all “final decisions,” but not to review matters that remain “open, unfinished or inconclusive”). Accordingly, Moore’s motion to stay is **DENIED**.

IT IS SO ORDERED.