1 2 UNITED STATES DISTRICT COURT 3 FOR THE EASTERN DISTRICT OF CALIFORNIA 4 5 GRACIELA SOLORIO, 1:14-cv-01284-LJO-BAM 6 Plaintiff, MEMORANDUM DECISION AND ORDER ON PLAINTIFF'S MOTION 7 FOR RECONSIDERATION (Doc. 18) v. 8 FRESNO COUNTY DEPARTMENT OF BEHAVIORAL HEALTH SERVICES, et al., 9 10 Defendants. 11 Graciela Solorio ("Plaintiff"), proceeding pro se, brought claims against the County of Fresno, 12 Kevin Briggs, and Evan Merat (collectively "Defendants") for assault, infliction of emotional distress, 13 battery, and retaliation. On October 16, 2014, this Court granted the Defendants' motion to dismiss 14 without leave to amend, as Plaintiff's claims were barred by res judicata. Doc. 16. The Clerk of Court 15 entered judgment on the same date. Doc. 17. Plaintiff filed a motion for reconsideration on October 30, 16 2014. Doc. 18. On October 31, 2014, Plaintiff filed a notice of appeal to the Ninth Circuit and the appeal 17 was processed on November 4, 2011. Docs. 19 & 20. 18 Plaintiff's appeal deprives this Court of jurisdiction to consider her motion for reconsideration. 19 Generally, "filing of a notice of appeal is an event of jurisdictional significance – it confers jurisdiction 20 on the court of appeals and divests the court of its control over those aspects of the case involved in the 21 appeal." Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 58 (1982); United States v. Vroman, 22 997 F. 2d 627, 627 (9th Cir. 1993); Bermudez v. Duenas, 936 F. 2d 1064, 1068 (9th Cir. 1991); Gould v. 23 Mutual Life Insurance Company of New York, 790 F. 2d 769, 772 (9th Cir. 1986); Scott v. Younger, 739 24 25 F. 2d 1464,1466 (9th Cir. 1984); Davis v. United States, 667 F. 2d 822, 824 (9th Cir. 1982). A district 26 1

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1	court does have discretion to entertain a motion for reconsideration even though an appeal has been
2	taken, but only after an appellate mandate has issued. Gould, 790 F. 2d at 773 ("Once an appellate
3	mandate has issued, leave of [the Court of Appeal] is not required for district court consideration of
4	Rule 60(b) motion"). Because the appeal is currently pending in the Ninth Circuit, this Court is without
5	jurisdiction to rule on Plaintiff's motion.
6	Accordingly, the motion for reconsideration is DENIED.
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8	IT IS SO ORDERED.
9	Dated: November 6, 2014 /s/ Lawrence J. O'Neill UNITED STATES DISTRICT JUDGE
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