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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GARLAND A. JONES,
Plaintiff,
v.
TOLSON, et al.,
Defendants

Case No. 1:15-cv-01037-MJS (PC)
**ORDER DENYING MOTION FOR RELIEF
FROM JUDGMENT FOR LACK OF
JURISDICTION**
(ECF No. 26)

Plaintiff is a state prisoner proceeding pro se and in forma pauperis (“IFP”) in this civil rights action brought pursuant to 42 U.S.C. § 1983. Plaintiff consented to Magistrate Judge jurisdiction. (ECF No. 14.) Now pending before the Court is Plaintiff’s August 14, 2017 motion for relief from a judgment or order pursuant to Federal Rule of Civil Procedure 60(b). (ECF No. 26.)

Plaintiff’s case was dismissed on September 14, 2015, and judgment was entered that day. (ECF Nos. 17 & 18.) Plaintiff appealed. (ECF Nos. 20 & 21.) Since Plaintiff’s appeal was found to be untimely, on June 13, 2016, the appeal was dismissed for lack of jurisdiction. (ECF No. 23.) The judgment took effect on July 6, 2016. (ECF No. 24.)

1 Plaintiff filed his motion for relief from judgment after he appealed to the Ninth
2 Circuit and received a final determination on the merits. This Court no longer has
3 jurisdiction. See Griggs v. Provident Consumer Discount, 459 U.S. 56, 58 (1982)
4 (Generally, “[t]he the filing of a notice of appeal is an event of jurisdictional significance—
5 it confers jurisdiction on the court of appeals and divests the district court of its control
6 over those aspects of the case involved in the appeal.”) To the extent Plaintiff disagrees
7 with the Ninth Circuit’s determination, his remedy would be to appeal the Ninth Circuit’s
8 decision.

9 In light of the foregoing, Plaintiff’s motion for relief from judgment is DENIED for
10 lack of jurisdiction.

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12 IT IS SO ORDERED.

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14 Dated: September 5, 2017

/s/ Michael J. Seng
15 UNITED STATES MAGISTRATE JUDGE
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