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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

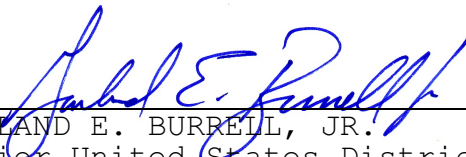
Tyrone Adams,)	
)	2:11-cv-0826-GEB-CKD
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
Charles Easley, et al.,)	
)	
Defendants.)	
_____)	

Plaintiff, appearing pro se, moves under Federal Rule of Civil Procedure 60 for reconsideration of the order dismissing his second amended complaint without leave to amend and for relief from the judgment entered against him following the dismissal order. (ECF No. 150.) "A motion for reconsideration should not be granted, . . . unless the . . . court is presented with newly discovered evidence, committed clear error, or if there is an intervening change in the controlling law." Marlyn Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co., 571 F.3d 873, 880 (9th Cir. 2009) (citation omitted). Plaintiff's motion for reconsideration fails to satisfy this standard and is therefore denied; the hearing currently scheduled for July 16, 2012 is vacated.

Further, Plaintiff has previously filed a notice of appeal with the Ninth Circuit of the dismissal order and judgment. (ECF No. 131.) "As a general rule, the filing of a notice of appeal divests a

1 district court of jurisdiction over those aspects of the case involved
2 in the appeal." Stein v. Wood, 127 F.3d 1187, 1189 (9th Cir. 1997).
3 Therefore, Plaintiff may not file any further reconsideration motions in
4 the district court.

5 Dated: July 9, 2012

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9 GARLAND E. BURRELL, JR.
10 Senior United States District Judge
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