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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CLARENCE A. GIPBSIN,  
Plaintiff,  
v.  
SCOTT KERNAN, et al.,  
Defendants.

No. 2:12-cv-0556 KJM DB P  
ORDER

Plaintiff is a state prisoner proceeding pro se with a civil rights action. Defendants’ summary judgment motion was granted, and judgment was entered on March 24, 2021. (ECF Nos. 299, 300.) Presently before the court is plaintiff’s motion for the appointment of counsel filed concurrently with a notice of appeal. (ECF No. 303.)

“The filing of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal.” Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 58 (1982). Additionally, the filing of a notice of appeal divests a trial court of jurisdiction over the matters appealed. Donovan v. Mazzola, 761 F.2d 1411, 1414 (9th Cir. 1985). Plaintiff indicates that he is appealing both the grant of summary judgment and the denials of his requests for the appointment of counsel. (ECF No. 301 at 1.) Because “a federal district court and a federal court of appeals should not attempt to assert jurisdiction over a case simultaneously,” Griggs, 459 U.S.

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1 at 58, the court will dismiss the motion to appoint counsel for lack of jurisdiction. Any renewed  
2 motion for the appointment of counsel should be directed to the Ninth Circuit Court of Appeals.

3 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion to appoint counsel (ECF  
4 No. 303) is dismissed for lack of jurisdiction.

5 Dated: April 7, 2021

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9 DEBORAH BARNES  
10 UNITED STATES MAGISTRATE JUDGE  
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13 DB:12  
14 DB:1/Orders/Prisoner/Civil.Rights/gipb0556.31(appeal)  
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