(PC) Olic v. Chacon et al Doc. 45

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

MILORAD OLIC, Plaintiff, v. R. CHACON, et al., Defendants.	No. 2:16-cv-2128-KJM-EFB P ORDER

Plaintiff, a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983, has filed a motion for relief from judgment.

This case was closed on February 27, 2019, and judgment was duly entered. ECF Nos. 38, 39. After filing a notice of appeal, ECF No. 40, plaintiff filed a "motion for relief," which the court construes as a motion for relief from judgment pursuant to Rule 60(b) of the Federal Rules of Civil Procedure, ECF No. 43. The motion is denied. When a Rule 60(b) motion is filed in the district court after a notice of appeal has been filed, the district court is without jurisdiction to entertain the motion. *Katzir Floor & Home Designs, Inc. v. M- MLS.com*, 394 F.3d 1143, 1148 (9th Cir. 2004).

Accordingly, the court lacks jurisdiction to grant the relief requested in the motion and the Clerk shall terminate docket entry number 43.

So ordered.

DATED: April 19, 2019.

UNITED STATES DISTRICT JUDGE

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