UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

CHARLES L. ABRAHAMS, Debtor/Appellant vs. MATHIAS HENTZ, Creditor/Appellee.	Case No. 12cv1560-GPC-BGS BAP No. SC-12-1319 Bankruptcy No. 10-00968 **ORDER DENYING APPELLANT'S MOTION TO AMEND THE JUDGMENT AND VACATE DISMISSAL** [ECF No. 62]

Before the Court is Appellant Charles L. Abrahams' ("Appellant" or "Abrahams") motion to amend the judgment. (Dkt. No. 62.) Pursuant to L.Civ.R. 7.1.d.1, the Court finds the matter suitable for adjudication without oral argument. For the reasons set forth below, the Court hereby **DENIES** Appellant's motion as moot.

DISCUSSION

On June 18, 2013, this Court issued an Order granting Trustee Leslie Gladstone's motion to dismiss Abraham's bankruptcy appeal. (Dkt. No. 54, "Judicial Order.") On July 19, 2013, Abrahams appealed the Judicial Order and filed a notice of appeal to the United States Court of Appeals for the Ninth Circuit. (Dkt. No. 56.) Thereafter, the Ninth Circuit issued a case number and schedule order as to Abraham's appeal. (Dkt. Nos. 59, 60.)

In opposition to Appellant's motion, Trustee Gladstone argues this Court lacks jurisdiction to grant Appellant's motion as the notice of appeal has been filed and any relief would change the nature of the issue on appeal. (Dkt. No. 63 at 4-5.)

The Court concurs with Trustee. See Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 58 (1982) ("The filing of a notice of appeal ... 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"). As the Court has been divested of its' jurisdiction pending Abraham's appeal to the Ninth Circuit, the Court hereby **DENIES AS MOOT** Appellant's motion to amend the judgement and vacate the dismissal. (Dkt. No. 62.)

IT IS SO ORDERED.

DATED: October 31, 2013

HON. GONZALO P. CURIEL
United States District Judge