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5 UNITED STATES DISTRICT COURT
6 SOUTHERN DISTRICT OF CALIFORNIA
7

8 RAUL ARELLANO,

Petitioner,

9
10 v.

11 DANIEL PARAMO,

Respondent.

Case No.: 16-cv-2337-WQH-MDD

ORDER

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13 HAYES, Judge:

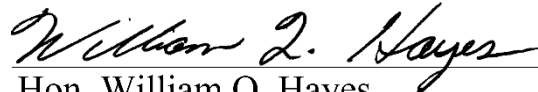
14 On September 13, 2016, Petitioner Raul Arellano filed a Petition for Writ of Habeas
15 Corpus (ECF No. 1) (the “Petition”). On March 12, 2018, United States Magistrate Judge
16 Mitchell D. Dembin submitted a Report and Recommendation recommending that this
17 Court deny the Petition. (ECF No. 15). On August 6, 2018, the Court issued an Order
18 adopting the Report and Recommendation and denying the Petition. (ECF No. 31). On
19 August 6, 2018, a Judgment was entered. (ECF No. 32)

20 On August 10, 2018, Arellano filed a Motion asking the Court to consider a different
21 motion dated July 15, 2018. ECF No. 34 at 1 (asking the Court to consider ECF No. 34 at
22 4–5). Arellano also requested that a “copy of this motion be sent to Plaintiff.” *Id.* at 1. On
23 August 20, 2018, Arellano filed a Notice of Appeal to the Ninth Circuit. (ECF No. 35).

24 The filing of a notice of appeal divests the district court of jurisdiction over those
25 aspects of the case involved in the appeal. *Griggs v. Provident Consumer Discount Co.*,
26 459 U.S. 56, 58 (1982) (per curiam). “It [is] generally understood that a federal district
27 court and a federal court of appeals should not attempt to assert jurisdiction over a case
28 simultaneously.” *Id.*

1 There are no matters before this Court that are not currently on appeal. *See* ECF No.
2 35. Consequently, the Court does not have jurisdiction over Arellano's Motion (ECF No.
3 34). Arellano's Motion (ECF No. 34) is DENIED.

4 Dated: August 28, 2018


5 Hon. William Q. Hayes
6 United States District Court