

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Boyd N. Boland

Civil Action No. 09-cv-02024-PAB-BNB

CYNTHIA MARIE MATTSON,

Plaintiff,

v.

JANET NAPOLITANO, Secretary of the Department of Homeland Security,

Defendant.

ORDER

This matter arises on **Plaintiff's Motion Requesting a Consolidation of Claims of Discrimination and Retaliation Treatment of Plaintiff Working for Homeland Security as a Disabled Federal Worker** [Doc. #37, filed 11/30/2010] (the "Motion"). The Motion is DENIED for lack of jurisdiction

The plaintiff is proceeding *pro se*, and I must liberally construe her pleadings. Haines v. Kerner, 404 U.S. 519, 520-21 (1972). I cannot act as advocate for a *pro se* litigant, however, who must comply with the fundamental requirements of the Federal Rules of Civil Procedure. Hall v. Bellmon, 935 F.2d 1106, 1110 (10th Cir. 1991).

The plaintiff filed a Title VII Complaint on August 26, 2009 [Doc. #2] (the "Complaint"). The Complaint was dismissed on September 15, 2010, in part because the plaintiff failed to exhaust her administrative remedies with the Equal Employment Opportunity Commission ("EEOC") [Doc. #28]. The plaintiff filed a Notice of Appeal to the Tenth Circuit on

November 16, 2010 [Doc. #30]. The case is pending in the circuit court.

The plaintiff requests that “the court consider the amount of claims file[d] with the TSA-EEOC that have evolved over the past seven years to include claims of disability discrimination and the retaliatory treatment following the initial claim filed in 2005.” *Motion*, p. 1.

“In general, filing of a notice of appeal confers jurisdiction on the court of appeals and divests the district court of control over those aspects of the case involved in the appeal.” Marrese v. American Academy of Orthopaedic Surgeons, 470 U.S. 373, 379 (1985). The plaintiff has appealed the dismissal of her action. Accordingly, this Court does not have jurisdiction to consider additional information related to the exhaustion of her claims with the EEOC.

IT IS ORDERED that the Motion is DENIED.

Dated December 2, 2010.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge