

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Christine M. Arguello**

Civil Action No. 11-cv-02562-CMA-BNB

KRISTEN WOODARD, an individual, and
KEVIN WOODARD, an individual,

Plaintiff,

v.

ICON HEALTH & FITNESS, INC., a Delaware corporation,

Defendant.

ORDER DENYING DEFENDANT'S MOTION TO RECONSIDER

This matter is before the Court on Defendant's Unopposed Motion for Reconsideration of This Court's Order Remanding This Case to Denver District State Court (Doc. # 9). The Court does not have jurisdiction in this case, and therefore denies the motion.

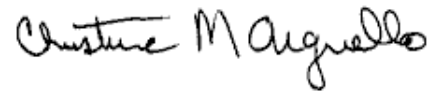
The Court certified its Remand Order (Doc. # 6) and transmitted the documents in the case to Denver District Court on October 6, 2011 (Doc. # 7). Therefore, the Court was divested of jurisdiction before Defendant filed its October 12, 2011, motion. See, e.g., 16 James WM. Moore et al., Moore's Federal Practice ¶ 107.42 (3d ed. 2011) (collecting cases and stating that "[o]nce a district court certifies such a remand order to state court, it is divested of jurisdiction and may not take any further action on the case"). Without jurisdiction this Court cannot reconsider its Remand Order. See, e.g., *Adams v. Allstate Ins. Co.*, No. 08-cv-01567, 2008 WL 4831425, at *1 (D. Colo. Nov. 4,

2008) (unpublished) (citing with approval *Whiddon Farms, Inc. v. Delta and Pine Land Co.*, 103 F. Supp. 2d 1310, 1311 (S.D. Ala. 2000) (denying motion to reconsider because court was divested of jurisdiction when it entered remand order)).

Accordingly, it is ORDERED that Defendant's motion to reconsider is DENIED.

DATED: October 20, 2011

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge