

## IN THE UNITED STATES DISTRICT COURT

## FOR THE DISTRICT OF HAWAII

GREGORY P. BARNETT,	)	CIVIL NO. 07-00491 SOM-BMK
#A4000428,	)	
	)	
Petitioner,	)	ORDER REGARDING MOTION FOR
	)	RECONSIDERATION
vs.	)	
	)	
TODD THOMAS,	)	
	)	
Respondent.	)	
_____	)	

**ORDER REGARDING MOTION FOR RECONSIDERATION**

Before the court is pro se Petitioner Gregory P. Barnett's Motion for Reconsideration ("Motion") of the court's November 13, 2008, Order denying Barnett's Objection to Magistrate's Order Denying Discovery. (Doc. No. 158.)

The court is divested of jurisdiction to adjudicate this Motion. On December 2, 2008, Barnett filed a timely Notice of Appeal. (Doc. No. 165.) "The filing of a notice of appeal is an event of jurisdictional significance-it 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." *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982). The November 13, 2008, Order which Barnett seeks reconsideration of is not the final Judgment or an otherwise appealable order. See Fed. R. App. P. 4(a)(4). Thus, it is an aspect of the case now involved in the appeal. This court,

therefore, has lost jurisdiction and declines to rule on Barnett's Motion.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, January 9, 2009.



/s/ Susan Oki Mollway  
Susan Oki Mollway  
United States District Judge

*Barnett v. Thomas*, Civ. No. 07-00491 SOM; ORDER REGARDING MOTION FOR RECONSIDERATION; prose attorney\Recon Orders\hmg\Barnett 07-00491 SOM (dny recon no jurisdiction)