

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

<b>STAVENA AKINS-BRAKEFIELD,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>CIVIL NO. 08-438-GPM</b>
	)	
<b>PHILIP SERVICES CORPORATION,</b>	)	
	)	
<b>Defendant.</b>	)	

**MEMORANDUM AND ORDER**

**MURPHY, District Judge:**

Plaintiff has filed two seemingly identical “Second Rule 60(b) Motion[s] to Reinstate” (Docs. 32, 33). The general rule is that the filing of a notice of appeal deprives the district court of jurisdiction over the case. *See, e.g., Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56 (1982) (per curiam); *Kusay v. United States*, 62 F.3d 192 (7<sup>th</sup> Cir. 1995). The Seventh Circuit holds, however, that the district court has the power to deny, but not to grant, a motion filed under Federal Rule of Civil Procedure 60(b) while an appeal is pending. *Boyko v. Anderson*, 185 F.3d 672, 675 (7<sup>th</sup> Cir. 1999) (citing cases).

Plaintiff has not presented any substantial argument that this Court abused its discretion in denying her first Rule 60(b) motion. Plaintiff’s “second” Rule 60(b) motions (Docs. 32, 33) are **DENIED.**

**IT IS SO ORDERED.**

DATED: 02/13/09

s/ *G. Patrick Murphy*  
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 G. PATRICK MURPHY  
 United States District Judge