

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

CHRISTOPHER H. MCCOY,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 14-cv-01379-JPG-DGW
	)	
ERIC T. EDMISTER,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

The Plaintiff has filed a Motion (Doc. 131) for Findings and Conclusions of Law Under Fed.R.Civ.P. 52(A); however, this matter is currently on appeal. (Doc. 124). “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). “[T]he district court retains jurisdiction to act only if the order being appealed or the proceeding before the district court is a discrete matter ancillary to the issues under consideration in the other court.” *May*, 226 F.3d at 879 (citing *Kusay v. United States*, 62 F.3d 192, 193-94 (7th Cir. 1995)); *see Cooter & Gell v. Hartmarx Corp.*, 496 U.S. 384, 395 (1990).

The plaintiff is appealing the final judgment in this matter and as such, a motion dealing with the final judgment is not a discrete ancillary matter, but the specific issue on appeal. Therefore, Plaintiff’s Motion (Doc. 131) for Findings and Conclusion of Law is **DISMISSED** for lack of jurisdiction.

**IT IS SO ORDERED.**

**DATED:** 1/17/2017

*s/J. Phil Gilbert*  
\_\_\_\_\_  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**