

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

FILED
U.S. DIST. COURT
MIDDLE DISTRICT OF LA

2008 FEB -4 P 2:24

SHAWN CONNORS

VERSUS

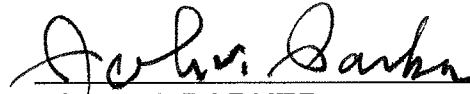
CIVIL ACTION BY U.S. DISTRICT CLERK
NO.: 04-906-JVP-SCR

LIVINGSTON PARISH SHERIFF'S OFFICE
THROUGH SHERIFF WILLIE GRAVES,
DEPUTY BRIAN SMITH, AND DEPUTY
BEN SMITH

ORDER

This matter is before the court on a "motion to dismiss untimely appeal" filed by defendants, Sheriff Graves and Deputies Brian and Ben Smith (doc. 45). Prior to filing this motion, plaintiff filed a notice of appeal to the U.S. Court of Appeals (doc. 44) of the court's judgment of dismissal dated December 27, 2007. The notice of appeal would divest this court of jurisdiction to consider the current motion, however, the district court has no subject matter jurisdiction to consider such an appeal to a higher court in any event.

Baton Rouge, Louisiana, February 4, 2008.



JOHN V. PARKER
UNITED STATES DISTRICT JUDGE
MIDDLE DISTRICT OF LOUISIANA