

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

JOSEPH V. FOSTER, JR. (#75808)

CIVIL ACTION

VERSUS

WILLIE GRAVES, ET AL.

NO. 09-0657-JJB-CN

O R D E R

This matter comes before the Court on the plaintiff's Motion to Vacate Judgment, rec.doc.no. 39, brought pursuant to Rule 60(b)(1) of the Federal Rules of Civil Procedure. In this motion, the plaintiff complains of the Court's Ruling which approved the Report and Recommendation of the Magistrate Judge and granted the defendants' motions to dismiss. Considering that the plaintiff has previously filed a Notice of Appeal herein, thereby effectively divesting this Court of jurisdiction to address his contentions, the plaintiff's motion shall be denied. Accordingly,

IT IS ORDERED that the plaintiff's Motion to Vacate Judgment, rec.doc.no. 39, be and it is hereby DENIED.

Baton Rouge, Louisiana, this 29th day of November, 2010.



JAMES J. BRADY
UNITED STATES DISTRICT JUDGE