

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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PETER BORMUTH,

Plaintiff,

v.

Case No. 12-11235

CITY OF JACKSON, et al.,

Defendants.

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**ORDER DENYING MOTION TO SET ASIDE**

Plaintiff moves to set aside the May 9, 2013, order on the ground that he recently moved in the court of appeals for re-hearing of a petition for mandamus. A petition for mandamus does not remove the jurisdiction of the district court. *See, e.g., Ellis v. U.S. Dist. Court (In re Ellis)*, 360 F.3d 1022 (9th Cir. 2004); *Woodson v. Surgitek, Inc.*, 57 F.3d 1406, 1416 (5th Cir. 1995). Accordingly,

IT IS ORDERED that the motion to set aside [Dkt. # 94] is DENIED.

s/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: May 21, 2013

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, May 21, 2013, by electronic and/or ordinary mail.

s/Lisa Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522