

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

NATHANIEL JENKINS,

Plaintiff,

v.

Case Number 2:21-CV-11708

HONORABLE GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

HEIDI WASHINGTON, ET. AL,

Defendants,

**OPINION AND ORDER DENYING THE MOTION TO CONTEST THE
THREE STRIKES DETERMINATION (ECF No. 7)**

On August 19, 2021, this Court denied plaintiff's application to proceed without prepayment of fees and costs and dismissed the complaint pursuant to 28 U.S.C. § 1915(g), the "three strikes" provision of the Prisoner Litigation Reform Act.

Plaintiff has now filed a Notice of Appeal (ECF No. 8). Plaintiff has also filed a motion to contest this Court's "three strikes" determination, in which he asks this Court to reconsider its decision to deny plaintiff's application to proceed without prepayment of fees and costs under the "three strikes" rule contained in 28 U.S.C. § 1915(g). For the reasons that follow, the motion for reconsideration will be denied.

This Court lacks jurisdiction to consider Plaintiff's motion for reconsideration because plaintiff has filed a notice of appeal in this case. A notice of appeal generally

“confers jurisdiction on the court of appeals and divests the district court of control over those aspects of the case involved in the appeal.” *Marrese v. American Academy of Orthopaedic Surgeons*, 470 U.S. 373, 379 (1985)(citing *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982)(per curiam)); *See also Workman v. Tate*, 958 F. 2d 164, 167 (6th Cir. 1992). Because plaintiff has filed a notice of appeal, this Court lacks jurisdiction to amend its original opinion and order to deny plaintiff’s application to proceed without prepayment of fees and costs. *Workman*, 958 F. 2d at 167-68; *See also Raum v. Norwood*, 93 F. App’x. 693, 695 (6th Cir. 2004)(Plaintiffs deprived district court of jurisdiction over their motion for reconsideration by filing notice of appeal before district court had chance to make decision on motion to reconsider).

Based upon the foregoing, the motion to contest the three strikes determination (ECF No. 7) is DENIED.

Dated: September 21, 2021

s/George Caram Steeh
GEORGE CARAM STEEH
United States District Judge