

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DR. MAGDALINA KALINCHEVA,  
M.D.;

Plaintiff,

vs.

JESSE NEUBARTH, VALENTYNA  
LEZOVITSKAYA, child; E. ANDREW  
WALTON, JERALD MASON, all from  
Avenue Realty; CHICAGO TITLE  
COMPANY, DONALD A.  
MACHADO, MICHELLE HULLIGAN,  
JANE DOE, Trini women 2 kids  
Manteca CA; TODD CORREN, and  
JOHN DOE, Renters at 535 W Vine St.,  
9-12;

Defendants.

**8:15CV44**

**MEMORANDUM  
AND ORDER**

This matter is before the court on Plaintiff's Notice of Emergency filed on January 9, 2018. ([Filing No. 154.](#)) To the extent Plaintiff asks this court for relief, the court will not act on Plaintiff's request as this case is currently pending before the Eighth Circuit Court of Appeals on a Notice of Appeal filed by Plaintiff on November 28, 2017. (See [Filing Nos. 145, 148.](#)); see also *State ex rel. Nixon v. Coeur D'Alene Tribe*, 164 F.3d 1102, 1106–07 (8th Cir. 1999) (“Once a notice of appeal is filed, the district court is divested of jurisdiction over matters on appeal.”). Accordingly,

IT IS ORDERED that the court will not act on Plaintiff's Notice ([Filing No. 154.](#)). The clerk of court is directed to provide a copy of this order to the Eighth Circuit Court of Appeals.

Dated this 12th day of January, 2018.

BY THE COURT:

*s/ Richard G. Kopf*  
Senior United States District Judge