

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

| | |
|---|------------------------|
| KIMBERLY J. LALLI and JOSEPH M. LALLI, Plaintiff(s), v. BANK OF AMERICA, N.A., et al., Defendant(s). | 2:12-CV-1221 JCM (PAL) |
|---|------------------------|

ORDER

Presently before the court is the matter of *Lalli v. Bank of America, et al.*, case no. 2:12-cv-1221-JCM-PAL.

On January 29, 2014, this court granted defendants' motion to dismiss the complaint in its entirety. (Doc. # 23). Judgment was entered in favor of defendants the same day. (Doc. # 24).

On February 12, 2014, plaintiffs filed the instant motions to reconsider and amend the complaint. (Doc. ## 25, 26). On February 26, 2014, plaintiffs filed a notice of appeal. (Doc. # 27).

Filing a notice of appeal "divests the district court of its control over the aspects of the case involved in the appeal." *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982). The instant notice of appeal relates to issues identical to those contained within the motions for reconsideration and amendment. The court is therefore without jurisdiction to rule on the merits of those motions. *See, e.g., United States v. Vroman*, 997 F.2d 627 (9th Cir. 1993).

"If a timely motion is made for relief that the court lacks authority to grant because of an

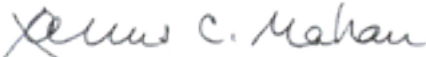
1 appeal that has been docketed and is pending, the court may. . .deny the motion.” Fed. R. Civ. P.
2 62.1(a)(2). In an effort to maintain an organized docket, the court denies the instant motions without
3 prejudice.

4 Accordingly,

5 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that plaintiffs’ motion for
6 reconsideration (doc. # 25) and motion to amend (doc. # 26) be, and the same hereby are, DENIED
7 without prejudice.

8 DATED March 20, 2014.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



UNITED STATES DISTRICT JUDGE