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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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HAROLD HARDEN,

Plaintiff,

v.

CHRISTINE MONINGHOFF and RAFAEL
AGUILERA,¹

Defendants.

Case No. 2:14-cv-00377-APG-PAL

ORDER DENYING OBJECTION

(ECF No. 176)

11 Plaintiff Harold Harden, a prisoner, filed this lawsuit alleging that in April 2012,
12 defendant Christine Moninghoff moved Harden to the mental health segregation unit at High
13 Desert State Prison (“HDSP”) without prior notice and without his consent. ECF No. 17 at 4. He
14 alleges that once there he was forced to take psychiatric drugs that resulted in an allergic reaction.
15 *Id.* He also alleges that defendant Rafael Aguilera transported him to the mental health
16 segregation unit against his will and without any notice or opportunity to be heard. *Id.*

17 I previously granted summary judgment in the defendants’ favor. ECF No. 167. I then
18 denied Harden’s motion for reconsideration. ECF No. 175. Harden objects to my ruling denying
19 reconsideration. I lack jurisdiction to consider the objection because Harden filed a notice of
20 appeal (ECF No. 177). *See* Fed. R. App. P. 4 (allowing certain types of motions to extend the
21 time to file an appeal until after the district court resolves the motions, but a motion to reconsider
22 denial of a Rule 50(b) or Rule 59 motion is not among those listed); Fed. R. Civ. P. 62.1(a)(2)
23 (allowing a district court to deny a motion that it lacks jurisdiction to consider because an appeal
24 is pending).

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¹ Incorrectly identified in the complaint as Dr. Monninghoff and S/O Agular.

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IT IS THEREFORE ORDERED that plaintiff Harold Harden's objection (ECF No. 176)
is DENIED

DATED this 4th day of January, 2017.



ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE