

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 MOHAMMED SAFDAR GOHIR,)
4)
5 Petitioner,)
6 vs.)
7 CHRISTOPHER HOYE, United States)
8 Marshal for the District of Nevada, and)
9 CHARLOTTE COLLINS, Warden, Nevada)
10 Southern Detention Center,)
11 Respondents.)

Case No.: 2:14-cv-00760-GMN-VCF

ORDER

12 Pending before the Court is Petitioner’s Motion to Vacate Order Denying Petitioner’s
13 Writ of Habeas Corpus Pursuant to Federal Rule of Civil Procedure 60(b). (ECF No. 25).
14 Respondents Christopher Hoye and Charlotte Collins filed a Response (ECF No. 26) and
15 Petitioner filed a Reply (ECF No. 27).

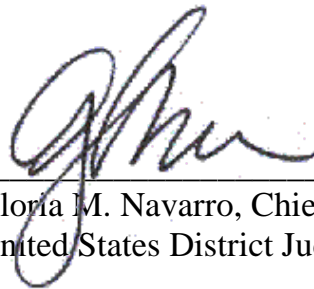
16 Generally, a notice of appeal divests this Court of jurisdiction to hear a motion brought
17 pursuant to Rule 60(b). See G.C. & K.B. Investments, Inc. v. Wilson, 326 F.3d 1096, 1101 n. 2
18 (9th Cir. 2003). However, the Ninth Circuit has crafted a procedure to allow for a remand to the
19 trial court when facts arise which would allow for relief under Rule 60(b) after an appeal has
20 been taken. See Williams v. Woodford, 384 F.3d 567, 586 (9th Cir. 2004). Under this procedure,
21 the party requesting review under Rule 60(b) first requests the district court whether it wishes to
22 entertain or grant the Rule 60(b) motion. Id. If the court wishes to entertain the motion, the
23 party seeking review then petitions the Ninth Circuit for a remand so that the district court may
24 entertain the motion. Id.

25 Upon review of Petitioner’s arguments, the Court concludes it does not wish to entertain

1 Petitioner's Rule 60(b) motion. Petitioner has raised no grounds upon which the Court would
2 consider modifying its prior Order (ECF No. 18). Accordingly, Petitioner's Motion is
3 **DENIED.**

4 **IT IS HEREBY ORDERED** that Petitioner's Motion to Vacate Order Denying
5 Petitioner's Writ of Habeas Corpus Pursuant to Federal Rule of Civil Procedure 60(b) (ECF No.
6 25) is **DENIED.**

7 **DATED** this 5th day of June, 2015.

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12 Gloria M. Navarro, Chief Judge
13 United States District Judge
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