

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

VICTOR TAGLE,

Plaintiff,

vs.

DEPARTMENT OF HOMELAND SECURITY,

Defendant.

Case No. 2:15-cv-02506-APG-VCF

ORDER

REQUEST FOR INVESTIGATION (ECF No. 24)

Before the Court is Victor Tagle's request for investigation under 42 U.S.C. § 1985. (ECF No. 24). For the reasons stated below, Tagle's request is denied.

On August 30, 2017, Tagle filed a single document which was docketed in the case twice, once as a notice of appeal (ECF No. 23) and once as a request for investigation (ECF No. 24). The appeal is currently before the United States Court of Appeals for the Ninth Circuit. (ECF No. 26).

"The filing of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal." *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982). As the Ninth Circuit has jurisdiction over the appeal in this case, this Court does not have jurisdiction over Tagle's related request for investigation.

ACCORDINGLY, and for good cause,

IT IS ORDERED that Tagle's Request for Investigation (ECF No. 24) is DENIED.

NOTICE

Pursuant to Local Rule IB 3-1, any objection to this Order must be in writing and filed with the Clerk of the Court within 14 days. The Supreme Court has held that the courts of appeal may determine

1 that an appeal has been waived due to the failure to file objections within the specified time. See Thomas
2 v. Arn, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections within the
3 specified time and (2) failure to properly address and brief the objectionable issues waives the right to
4 appeal the District Court's order and/or appeal factual issues from the order of the District Court. Martinez
5 v. Ylst, 951 F.2d 1153, 1157 (9th Cir. 1991); Britt v. Simi Valley United Sch. Dist., 708 F.2d 452, 454 (9th
6 Cir. 1983).

7 DATED this 3rd day of October, 2017.

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10 CAM FERENBACH
11 UNITED STATES MAGISTRATE JUDGE
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