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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JEFFREY S. PATERSON,)	3:11-cv-00845-HDM-WGC
)	
Plaintiff,)	
)	ORDER
vs.)	
)	
PATTERSON, et al.,)	
)	
Defendants.)	
)	

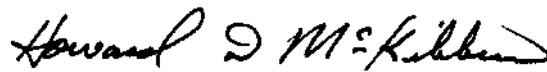
Before the court is the plaintiff's motion pursuant to Federal Rule of Civil Procedure 60(b) (#153). Defendants have opposed (#154), and plaintiff has replied (#155).

Plaintiff appealed this court's orders and judgment on August 26, 2014. The matter remains pending before the Court of Appeals. The court lacks jurisdiction to consider a Rule 60(b) motion filed after a notice of appeal is filed and therefore cannot consider the instant Rule 60(b) motion. *Katzir Floor & Home Designs, Inc. v. M-MLS.com*, 394 F.3d 1143, 1148 (9th Cir. 2004); *Gould v. Mutual Life Ins. Co.*, 790 F.2d 769, 772 (9th Cir. 1986). In order to properly put his Rule 60(b) motion before this court, the plaintiff

1 must first "ask the district court whether it wishes to entertain
2 the motion, or to grant it, and then move [the Court of Appeals],
3 if appropriate, for remand of the case." *Williams v. Woodford*, 384
4 F.3d 567, 586 (9th Cir. 2004). The court construes defendant's
5 motion as a request for the court to advise whether it wishes to
6 consider plaintiff's Rule 60(b) motion. So construed, the court
7 advises the plaintiff it declines to entertain or grant plaintiff's
8 Rule 60(b) motion.

9 **IT IS SO ORDERED.**

10 DATED: This 16th day of December, 2015.

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12 UNITED STATES DISTRICT JUDGE
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