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4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**

6
7 BETTY MESI et al.,

8 Plaintiffs,

9 vs.

10 SELECT PORTFOLIO SERVICING et al.,

11 Defendants.

3:16-cv-00065-RCJ-WGC

ORDER

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13 This case arises from a foreclosure of real property. On April 16, 2018, the Court
14 dismissed this action with prejudice after finding it was duplicative of another previously-filed
15 case: *Mesi v. U.S. Bank Nat'l Ass'n*, No. 3:15-cv-555-RCJ-WGC (filed Nov. 13, 2015). (Order,
16 ECF No. 81.) On April 25, Plaintiffs filed a motion “for reversal of foreclosure and for
17 sanctions.” (Mot., ECF No. 82.) Then, on April 27, Plaintiffs filed a notice of appeal. On May
18 12, Plaintiff filed another motion, this time seeking to strike Defendants’ responses to the motion
19 for reversal of foreclosure. (Mot., ECF No. 90.) Finally, on June 26, the Ninth Circuit granted
20 Plaintiffs’ motion to proceed with their appeal in forma pauperis, acknowledged receipt of
21 Plaintiffs’ opening brief, and set a deadline for Defendants’ answering briefs. (Order, ECF No.
22 91.)

23 As of now, the entirety of this case has been disposed and an appeal is currently pending.
24 Therefore, the Court lacks jurisdiction to reach the merits of Plaintiffs’ motions. “Once a notice

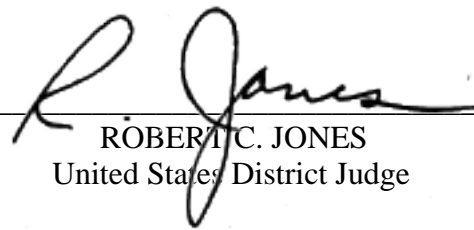
1 of appeal is filed, the district court is divested of jurisdiction over the matters being appealed.”
2 *Nat. Res. Def. Council, Inc. v. Sw. Marine Inc.*, 242 F.3d 1163, 1166 (9th Cir. 2001).

3 Accordingly, the motions must be denied for lack of jurisdiction.

4 **CONCLUSION**

5 IT IS HEREBY ORDERED that the motions (ECF Nos. 82, 90) are DENIED.

6 IT IS SO ORDERED. **This 28th day of August, 2018.**

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10 ROBERT C. JONES
11 United States District Judge
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