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U.S. DISTRICT COURT E.D.N.Y.

★ NOV 24 2014 ★

BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ESTEBAN GERONIMO,

Petitioner,

- against -

WARDEN R. RUSHING,

Respondent.

ESTEBAN GERONIMO,

Petitioner,

- against -

UNITED STATES,

Respondent.

AMON, Chief United States District Judge.

On April 29, 2011, Esteban Geronimo, proceeding pro se, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2255 seeking to vacate his federal conviction of conspiracy to distribute and possess with intent to distribute five kilograms or more of cocaine. Geronimo subsequently filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. The Court denied both petitions in a Memorandum and Order dated September 17, 2014. Geronimo's appeal from this Memorandum and Order is currently pending before the Court of Appeals for the Second Circuit.

On November 13, 2014 Geronimo filed a document titled "Contra Motion of Petitioner Geronimo Against Government Response," in which Geronimo appears to further argue the merits of his habeas petitions that were denied on September 17, 2014. This Court, however,

lacks jurisdiction over the case in light of the appeal currently pending before the Second Circuit. See Ching v. United States, 298 F.3d 174, 180 n.5 (2d Cir. 2002) (stating that “[t]he filing of the notice of appeal divested the district court of jurisdiction over [petitioner’s] original § 2255 motion.” (citing Griggs v. Provident Consumer Disc. Co., 459 U.S. 56, 58 (1982) (“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.”))). Accordingly, the Clerk of Court is directed to terminate docket entry 27 in the case docketed as 11-CV-1121, and docket entry 11 in the case docketed as 14-CV-2221.

To the extent Geronimo seeks to file papers related to his appeal, he is advised that he must do so with the Court of Appeals for the Second Circuit, not the District Court for the Eastern District of New York, and must use the Second Circuit docket numbers related to his case (14-3960, 14-3972).

SO ORDERED.

Dated: November 24, 2014
Brooklyn, NY

s/Carol Bagley Amon

Carol Bagley Amon
Chief United States District Judge