

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
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ELECTRONICALLY FILED  
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DATE FILED: 3/26/2024

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AFTERN SANDERSON, :  
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Plaintiff, :  
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-v- :  
LEG APPAREL LLC, et al., :  
Defendants. :  
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GREGORY H. WOODS, United States District Judge:

1:19-cv-8423-GHW

ORDER


On March 22, 2024, Plaintiff filed a motion to compel disclosure from the Institute for Family Health for discovery related to the claims tried before the jury in this case. Dkt. No. 407. Plaintiff appealed the jury verdict in this case on December 7, 2023. Dkt. No. 378. “The filing of a timely and sufficient notice of appeal divests the district court of jurisdiction as to any matters involved in the appeal or as to the matters covered by the notice.” *New York v. United States Dep’t of Homeland Sec.*, 974 F.3d 210, 215 (2d Cir. 2020). During the pendency of the appeal, a district court may act only “in aid of the appeal.” *Id.* Here, Plaintiff moves to compel compliance with a subpoena duces tecum for a trial that has concluded. Therefore, the Court lacks jurisdiction to grant Plaintiff’s motion. Accordingly, Plaintiff’s motion to compel is denied without prejudice.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444–45 (1962).

The Clerk of Court is directed to terminate the motion pending at Dkt. No. 407 and mail a copy of this order to Plaintiff.

SO ORDERED.

Dated: March 26, 2024  
New York, New York

  
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GREGORY H. WOODS  
United States District Judge