

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JEFFREY SMITH, *et al.*,
Plaintiffs,

vs.

CITY OF CINCINNATI, *et al.*,
Defendants.

Case No. 1:12-cv-648

Barrett, J.
Litkovitz, M.J.

ORDER

This matter is before the Court on plaintiff's "Second Motion to Injunction [sic] to Stay the City." (Doc. 55).

In view of this Court's Order and Judgment entry dated June 19, 2013 (Docs. 46, 47) and plaintiff's pending appeal before the Sixth Circuit Court of Appeals, plaintiff lacks authority to file, and this Court lacks any basis upon which to consider plaintiff's filings. *See* Fed. R. Civ. P. 59, 60. *See also Lewis v. Alexander*, 987 F.2d 392, 394 (6th Cir. 1993) ("As a general rule, the district court loses jurisdiction over an action once a party files a notice of appeal, and jurisdiction transfers to the appellate court."). Therefore, plaintiff's motion is **DENIED**.

IT IS SO ORDERED.

Date: 3/6/14


Karen L. Litkovitz
United States Magistrate Judge