

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>COREY OFFINEER,</b>	:	
	:	
<b>Plaintiff,</b>	:	
	:	<b>Case No. C2-09-CV-493</b>
<b>v.</b>	:	
	:	<b>JUDGE ALGENON L. MARBLEY</b>
<b>ROGER KELLY, et al.,</b>	:	
	:	<b>Magistrate Judge Terrence P. Kemp</b>
<b>Defendants.</b>	:	

**ORDER**

This matter is before the Court on Defendants Six County, Inc., Darcy Stephens, Danine Lajiness-Polosky, and Bonnie J. Taylor’s Motion for Partial Summary Judgment on Plaintiff’s Medical Negligence Claim (Doc. 119). On October 20, 2010, however, the Defendants filed a notice of appeal of this Court’s order on the Parties’ cross-motions for summary judgment (Docs. 113 & 117). This appeal divested the Court of its jurisdiction to rule on the Defendant’s motion. *Dickerson v. McClellan*, 37 F.3d 251, 252 (6th Cir. 1994) (“A proper notice of appeal divests the district court of jurisdiction and transfers jurisdiction to the court of appeals.”). Under Federal Rule of Civil Procedure 62.1(a)(1), the Court **DENIES** the Defendants’ motion without prejudice.

**IT IS SO ORDERED.**

s/Algenon L. Marbley  
**ALGENON L. MARBLEY**  
**United States District Court Judge**

**DATE:** May 19, 2011