

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

SIDNEY T. LEWIS,	:	
	:	Case No. 2:09-CV-944
Appellant,	:	
	:	JUDGE ALGENON L. MARBLEY
v.	:	
	:	
LARRY J. MCCLATCHY,	:	
	:	
Appellee.	:	

ORDER

This matter is before the Court on Appellant-Debtor Sidney T. Lewis’s (“Lewis”) Motion for Reconsideration of Order on Motion for Leave to Appeal in Forma Pauperis (Doc. 9) and Lewis’s Motion for Leave to Appeal in Forma Pauperis (Doc. 11). This case is an appeal from the judgment of the United States Bankruptcy Court for the Southern District of Ohio, dated March 26, 2009, in a dispute between Lewis and Appellee Larry J. McClatchy, the Chapter 7 Trustee (“Trustee”). The Bankruptcy Court issued an Order requiring that certain fees and expenses be paid by the Trustee from the estate. On October 22, 2009, Lewis filed a Notice of Appeal with this Court. On October 26, 2009, the Office of the Clerk issued a briefing schedule, a copy of which was mailed to Lewis. Pursuant to the briefing schedule, Lewis was to file a brief by November 12, 2009, the Trustee was to file a brief by November 30, 2009, and Lewis was to file a reply brief by December 13, 2009. No briefs were filed. On April 16, 2010, this Court entered an Order dismissing the appeal for want of prosecution. 11 U.S.C. § 8001(a); (Doc. 4.) On April 26, 2010, Lewis filed a Notice of Appeal of this Court’s dismissal Order. (Doc. 5.) The Sixth Circuit has yet to rule on Lewis’s appeal.

Lewis has previously been found by this Court to be a vexatious litigator, and there is

currently an Order in place forbidding Lewis from filing any action without first submitting a certification from his attorney that the claims are warranted. (*See* Case No. 2:09-CV-179, Doc. 45.) Further, as a matter of procedure, this Court is not required to rule on matters in this case while the same issues are on appeal to the Sixth Circuit. See Fed. R. Civ. P. 62.1(a)(2) (allowing the court to deny a motion where the court lacks the authority to grant relief because an appeal is pending) Accordingly, Lewis's Motion for Reconsideration (Doc. 9) and his Motion for Leave to Appeal in Forma Pauperis (Doc. 11) are **DENIED**.

IT IS SO ORDERED.

s/Algenon L. Marbley
UNITED STATES DISTRICT COURT

DATE: June 15, 2010