

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**ANTHONY L. FRENCH,**

**Plaintiff,**

vs.

**Civil Action 2:09-cv-01170**

**Judge James L. Graham**

**Magistrate Judge E. A. Preston Deavers**

**POSTMASTER GENERAL  
JOHN E. POTTER, et al.,**

**Defendants.**

**ORDER**

After granting an extension of time to effect service, on June 22, 2010, the Court dismissed this action without prejudice, pursuant to Federal Rule of Civil Procedure 4(m), because the deadline passed and Plaintiff had not effected service of process. (Doc. 9.) On June 24, 2010, Plaintiff filed an appeal. (Doc. 10.) Although Plaintiff timely appealed this Court's June 22, 2010, Order, on August 6, 2010, he filed a Motion for Entry of Default (Doc. 12).

“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.” *Holmes Group, Inc. v. Vornado Air Circulation Systems, Inc.*, 535 U.S. 826, 835 (2002) (quoting *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58–59 (1982); *Adkins v. Jeffreys*, 327 Fed. Appx. 537, 539 (6th Cir. 2009) (“A timely appeal divests the district court of jurisdiction . . . .” (quoting *Dunham v. United States*, 486 F.3d 931, 935 (6th Cir. 2007))).

Thus, upon Plaintiff's appeal, this Court was divested with jurisdiction to consider Plaintiff's Motion for Entry of Default. Put another way, until the pending appeal is resolved, this Court cannot entertain Plaintiff's Motion or any other motion.

The Clerk is **DIRECTED** to send a copy of this Order to Anthony French, 3288 Towers Court South, Columbus, Ohio 43227.

Date: August 18, 2010

/s/ Elizabeth A. Preston Deavers  
**ELIZABETH A. PRESTON DEAVERS**  
**UNITED STATES MAGISTRATE JUDGE**