Marshall v. Warden, Pickaway Correctional Institution Doc. 45

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

KENNETH MARSHALL,	:	
Petitioner,	:	**Civil Action 2:14-cv-812**
v.	:	**JUDGE GREGORY L. FROST**
WARDEN, PICKAWAY CORRECTIONAL INSTITUTION,	:	**Magistrate Judge Elizabeth P. Deavers**
Respondent.	:	

ORDER

This matter is before the Court for consideration of Petitioner's Motion for Relief from Judgment. (ECF No. 43.) The Motion is **DENIED WITHOUT PREJUDICE**. This case is now on appeal to the United States Court of Appeals for the Sixth Circuit. The Court, therefore, has no jurisdiction to enter the relief Petitioner seeks. *See Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982) ("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.")

IT IS SO ORDERED.

/s/ Gregory L. Frost
GREGORY L. FROST
UNITED STATES DISTRICT JUDGE

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