

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

JOHANNA DABBS,

Plaintiff,

v.

Case No. CIV-15-148-D

SHELTER MUTUAL INSURANCE
COMPANY aka SHELTER MUTUAL
INSURANCE CO.,

Defendants.

ORDER

Before the Court is the Motion for Reconsideration filed by *Amicus Curiae* Vincent Calderon [Doc. No. 139]. Mr. Calderon requests that the Court reconsider its order striking his Motion for New Trial and Motion to Amend Judgment [Doc. No. 133]. The Court struck that motion because Mr. Calderon, as an *amicus curiae*, is not authorized to file motions in this matter. *See* Order [Doc. No. 138]. Before Mr. Calderon filed his initial motion for new trial and the instant Motion, Johanna Dabbs filed a Notice of Appeal to the Tenth Circuit [Doc. No. 132].

“[W]hen a litigant files a notice of appeal, the district court loses jurisdiction over the case, save for ‘collateral matters not involved in the appeal.’” *McKissick v. Yuen*, 618 F.3d 1177, 1196 (10th Cir. 2010) (quoting *Lancaster v. Indep. Sch. Dist. No. 5*, 149 F.3d 1228, 1237 (10th Cir. 1998)); *see also Riggs v. Scrivner, Inc.*, 927 F.2d 1146, 1148 (10th Cir. 1991). By his motion for new trial and his motion to reconsider, Mr. Calderon seeks relief from the Court’s judgment [Doc. No. 128] in the form of a new trial. Given the

notice of appeal filed by Ms. Dabbs, the Court lacks jurisdiction to grant that relief. Moreover, Mr. Calderon lacks standing to seek the requested relief. Therefore, Mr. Calderon's Motion [Doc. No. 139] must be denied.

IT IS THEREFORE ORDERED that the Motion for Reconsideration filed by *Amicus Curiae* Vincent Calderon [Doc. No. 139] is **DENIED**.

IT IS SO ORDERED this 11th day of April, 2022.



TIMOTHY D. DeGIUSTI
Chief United States District Judge