UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

CHARLES BRIDGES, Plaintiff, v. CAROLYN W. COLVIN, Acting Commissioner of Social Security Administration, et al., Defendants.	:	No. 5:12-cv-02316

O R D E R

AND NOW, this 30th day of September, 2015, upon consideration of (i) Plaintiff's Motion for Reconsideration and/or Reargument of Order Dated March 28, 2014, ECF No. 63, (ii) Defendants' Motion to Dismiss Count II of Plaintiff's Amended Complaint, ECF No. 65, and (iii) Plaintiff's Motion for Leave to File a Third Amended Complaint, ECF No. 68, **IT IS ORDERED** as follows:

1. Plaintiff's Motion for Reconsideration and/or Reargument, ECF No. 63, is **DENIED**.

2. Defendants' Motion to Dismiss Count II of Plaintiff's Amended Complaint, ECF No. 65, is **GRANTED**.

3. Plaintiff's Motion for Leave to File a Third Amended Complaint, ECF No. 68, is **DENIED**.

4. Plaintiff's Third Motion for Temporary Restraining Order and for Declaratory Order and Preliminary Injunctive Relief Directed to the Defendant, Social Security Administration, ECF No. 87, is **DENIED** as moot.

5. This case is **CLOSED**.[1]

BY THE COURT:

/s/ Joseph F. Leeson, Jr.
JOSEPH F. LEESON, JR.
United States District Judge

[1] As the Court observed in the accompanying Memorandum Opinion, Plaintiff appealed the denial of his Motion for Temporary Restraining Order Directed to the Agency and to Nominal Defendant, Jasper J. Bede, and for Preliminary Injunctive Relief, ECF No. 73, and his appeal remains pending before the United States Court of Appeals for the Third Circuit. See Notice of Appeal, ECF No. 80; Bridges v. Comm'r Soc. Sec., No. 14-4555 (3d Cir. appeal docketed Nov. 26, 2014). "Although the filing of a notice of appeal ordinary divests the district court of jurisdiction, in an appeal from an order granting or denying a preliminary injunction, a district court may nevertheless proceed to determine the action on the merits." United States v. Price, 688 F.2d 204, 215 (3d Cir. 1982) (citation omitted) (citing Thomas v. Bd. of Educ., 607 F.2d 1043, 1047 n.7 (2d Cir. 1979); SEC v. Inv'rs Sec. Corp., 560 F.2d 561, 568 (3d Cir. 1977)).