

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JERMAINE LOFTON,	:	CIVIL ACTION NO. 1:12-CV-1133
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
JOHN WETZEL, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 6th day of December, 2012, upon consideration of plaintiff's motion for relief from judgment (Doc. 20), it is hereby ORDERED that:

1. The motion (Doc. 20) is GRANTED.¹
2. The amended complaint (Doc. 18) is DEEMED timely filed in accordance with the prisoner mailbox rule. Houston v. Lack, 487 U.S. 266 (1988).²

¹“As a general rule, the timely filing of a notice of appeal is an event of jurisdictional significance, immediately conferring jurisdiction on a Court of Appeals and divesting a district court of its control over those aspects of the case involved in the appeal.” Venen v. Sweet, 758 F.2d 117, 120 (3d Cir.1985) (citing Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 58 (1982)). However, a district court retains jurisdiction over motions for relief of judgment under Federal Rule of Civil Procedure 60 pursuant to Federal Rule of Appellate Procedure 4(a)(4)(B)(i).

²On September 7, 2012, defendants filed a motion (Doc. 11) to dismiss the complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) or, in the alternative, pursuant to Federal Rule of Civil Procedure 12(e). On October 15, 2012, defendants' Rule 12(e) motion was granted and plaintiff was directed to file an amended complaint on or before November 13, 2012. (Doc. 14.) Although, the amended complaint was not filed until November 20, 2012. However, the mailing envelope indicates that it was placed in the United States Mail on November 13, 2012. (Doc. 18, at 35.)

3. This Court's Order of November 20, 2012 (Doc. 16) is VACATED.
4. The Clerk of Court is directed to REOPEN this case.
5. Defendants shall file an answer or responsive pleading within twenty-one days of the date of this order.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge