

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

GENE NEVILS	]	
Plaintiff,	]	
	]	
v.	]	No. 3:13-0261
	]	Judge Trauger
STATE OF TENNESSEE, et al.	]	
Defendants.	]	

O R D E R

On May 21, 2013, an order (Docket Entry No.12) was entered dismissing the instant *pro se* § 1983 prisoner action for failure to state a claim.

A Notice of Appeal (Docket Entry No.16) was then filed challenging the dismissal.

The appeal remains pending in the Sixth Circuit Court of Appeals. Nevertheless, the plaintiff has filed a Motion to Amend Cases (Docket Entry No.21). In this Motion, the plaintiff seeks to include additional claims and defendants.

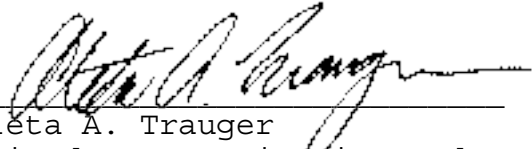
A Report and Recommendation (Docket Entry No.22) addressing the plaintiff's Motion to Amend is also before the Court. In the Report and Recommendation, the Magistrate Judge urges the Court to deny the plaintiff's Motion to Amend. There have been no timely objections to the Report and Recommendation filed by the plaintiff.

The instant case was closed and is no longer on this Court's

docket. Generally, "the filing of a notice of appeal confers jurisdiction on the court of appeals and divests the district court of control over those aspects of the case involved in the appeal". Marrese v. American Academy of Orthopaedic Surgeons, 470 U.S. 373,379 (1985); Inland Bulk Transfer Co. v. Cummins Engine Co., 332 F.3d 1007,1013 (6<sup>th</sup> Cir.2003).

Here, the Court discerns no basis for exercising jurisdiction over the plaintiff's Motion to Amend. Therefore, the Report and Recommendation, to the extent that it recommends that the Motion to Amend be denied, is ADOPTED and APPROVED. Accordingly, the plaintiff's Motion to Amend is hereby DENIED for want of jurisdiction.

It is so ORDERED.

  
Aléta A. Trauger  
United States District Judge