

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA -- ATLANTA DIVISION**

WILLIAM M. WINDSOR,	)	
Plaintiff	)	
	)	
v.	)	CIVIL ACTION NO.
	)	
JUDGE WILLIAM S. DUFFEY,	)	1:11-CV-01922-TWT
MAID OF THE MIST	)	
CORPORATION, MAID OF THE	)	
MIST STEAMBOAT COMPANY,	)	
LTD., JUDGE ORINDA D. EVANS,	)	
JUDGE JULIE E. CARNES, JUDGE	)	
JOEL F. DUBINA, JOHN LEY, AND	)	
JAMES N. HATTEN,	)	
Defendants.	)	
<hr/>		

**NOTICE OF FILING OF EMERGENCY REQUEST FOR CONSENT TO  
FILE MOTION TO CONFIRM STAY**

Plaintiff William M. Windsor hereby gives NOTICE OF FILING OF  
EMERGENCY REQUEST FOR CONSENT TO FILE MOTION TO CONFIRM  
STAY for consideration in connection with this matter.

Respectfully submitted, this 14<sup>th</sup> day of July 2011.



\_\_\_\_\_  
William M. Windsor  
Pro Se

PO Box 681236, Marietta, GA 30068  
Phone: 770-578-1094 - Fax: 770-234-4106  
Email: [williamwindsor@bellsouth.net](mailto:williamwindsor@bellsouth.net)

**CERTIFICATE OF COMPLIANCE**

As required by Local Rule 7.1D, N.D. Ga., I hereby certify that this pleading has been prepared in Times New Roman 14-point font, one of the font and point selections approved by this Court in Local Rule 5.1B, N.D. Ga.

A handwritten signature in black ink, appearing to read "William M. Windsor", written over a horizontal line.

**William M. Windsor**

**Pro Se**

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Facsimile: 770-234-4106  
Email: [williamwindsor@bellsouth.net](mailto:williamwindsor@bellsouth.net)

**CERTIFICATE OF SERVICE**

I hereby certify that I served this NOTICE OF FILING by depositing in the United States Mail with sufficient postage addressed as follows:

CHRISTOPHER J. HUBER  
ASSISTANT U.S. ATTORNEY  
Georgia Bar No. 545627  
600 Richard B. Russell Federal Bldg.  
75 Spring Street, S.W. -- Atlanta, Georgia 30303  
Telephone: (404) 581-6292 -- Facsimile: (404) 581-6181  
Email: [chris.huber@usdoj.gov](mailto:chris.huber@usdoj.gov)

I have also prepared a copy for each Defendant to be served with the Summons and Complaint.

This 14<sup>th</sup> day of July 2011.



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Plaintiff	)	
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v.	)	CIVIL ACTION NO.
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JUDGE WILLIAM S. DUFFEY,	)	1:11-CV-01922-TWT
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CORPORATION, MAID OF THE	)	
MIST STEAMBOAT COMPANY,	)	
LTD., JUDGE ORINDA D. EVANS,	)	
JUDGE JULIE E. CARNES, JUDGE	)	
JOEL F. DUBINA, JOHN LEY, AND	)	
JAMES N. HATTEN,	)	
Defendants.	)	
<hr style="width:50%; margin-left:0;"/>		

**EMERGENCY REQUEST FOR CONSENT TO FILE**  
**MOTION TO CONFIRM STAY**

William M. Windsor (“Windsor” or “Plaintiff”) hereby files this  
EMERGENCY REQUEST FOR CONSENT TO FILE MOTION TO CONFIRM  
STAY. Windsor shows the Court as follows:

1. On July 14, 2011 at 8:23 am, Miss Anniva Sanders of the Office of the Clerk of the Court signed a receipt for three notices of appeal delivered by Courier Connection.
2. On July 14, 2011 at approximately 11:23 am, Ms. Margaret Callier of the Office of the Clerk of the Court told Windsor that each of the three notices of

appeal delivered by Courier Connection had been docketed.

3. Windsor asks the Court to issue an order confirming the stay because the various personnel with the United States District Court for the Northern District of Georgia have been known to violate the rules and the law.

4. These civil actions are now on appeal and are stayed. Jurisdiction is now with the Court of Appeals. In the words of Judge William S. Duffey:

("[A] federal district court and a federal court of appeals should not attempt to assert jurisdiction over a case simultaneously. 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."). (*Bryant v. Jones*, No. 1:04-cv-2462-WSD (N.D.Ga. 01/10/2007).)

5. This Court must confirm through an order that this civil action is stayed due to this pending appeal.

6. There will be no hearing on July 15, 2011.

7. Windsor has many orders from the United States Court of Appeals for the Eleventh Circuit that provide that this civil action is stayed and hundreds from federal courts everywhere. See *Mahone v. Ray*, 326 F.3d 1176, 1179 (11th Cir. 2003) and hundreds of others.

8. This Court has lost jurisdiction.

9. The Supreme Court stated the law on jurisdiction quite clearly in 1982:

“Even before 1979, it was generally understood that a federal district court and a federal court of appeals should not attempt to assert jurisdiction over a case simultaneously. 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. *See, e.g., United States v. Hitchmon*, 587 F.2d 1357 (CA5 1979).” (*Griggs v. Provident Consumer Discount* 459 U. S. 56 (1982).)

10. See also *Marrese v. American Academy of Orthopedic Surgeons*, 470 U.S. 373, 379, 105 S.Ct. 1327, 1331 (1985), reh'g denied, 471 U.S. 1062, 105 S.Ct. 2127 (1985).

11. Exhibit A includes some case law citations that say an appeal “confers jurisdiction on the court of appeals and divests the district court of jurisdiction.”

WHEREFORE, Windsor respectfully requests that this Court:

- a. grant this Motion;
- b. issue an order confirming that the case is stayed; and
- c. grant any other relief this Court deems just and proper.

Submitted, this 14th day of July 2011.



---

**William M. Windsor**

**Pro Se**

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Facsimile: 770-234-4106

Email: [williamwindsor@bellsouth.net](mailto:williamwindsor@bellsouth.net)

**VERIFICATION OF WILLIAM M. WINDSOR**

I, William M. Windsor, swear that I am authorized to make this verification and that the facts alleged in the foregoing REQUEST are true and correct based upon my personal knowledge, except as to the matters herein stated to be alleged on information and belief and citations of law, and that as to those matters I believe them to be true.

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct based upon my personal knowledge.

This 14th day of July 2011.

A handwritten signature in black ink, appearing to read "William M. Windsor", written in a cursive style.

William M. Windsor



**CERTIFICATE OF COMPLIANCE**

As required by Local Rule 7.1D, N.D. Ga., I hereby certify that this pleading has been prepared in Times New Roman 14-point font, one of the font and point selections approved by this Court in Local Rule 5.1B, N.D. Ga.

A handwritten signature in black ink, appearing to read "William M. Windsor", written over a horizontal line.

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**CERTIFICATE OF SERVICE**

I hereby certify that I have served the foregoing REQUEST by depositing the same with the United States Postal Service with sufficient postage and addressed as follows:

CHRISTOPHER J. HUBER  
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Email: [chris.huber@usdoj.gov](mailto:chris.huber@usdoj.gov)  
Counsel for Judge Orinda D. Evans

This 14th day of July 2011.



---

William M. Windsor  
Pro Se

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# Exhibit

# A

## Jurisdiction is in Court of Appeals

Case	Category	Quote
Ahlberg v. Chrysler Corp., No. 06-1560 (8th Cir. 03/28/2007)	Jurisdiction is in Court of Appeals	On May 31, 2006, the District Court clerk entered an order awarding Chrysler \$11,882.64 in costs. The plaintiffs did not request review of the clerk's order in the District Court and instead filed a notice of appeal from that order on June 5, 2006. Afterwards, on June 16, 2006, the magistrate judge independently entered an order purporting to award Chrysler only \$8,049.45 in costs. We cannot review either costs order on appeal. Generally, "[t]he filing of a notice of appeal . . . 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." Liddell v. Bd. of Educ. of St. Louis, 73 F.3d 819, 822 (8th Cir. 1996) (quoting Griggs v. Provident Consumer Disc. Co., 459 U.S. 56, 58 (1982) (per curiam)). Here, the magistrate judge did not have jurisdiction to enter the June 16 costs order because the June 5 notice of appeal from the May 31 costs order divested the District Court of its jurisdiction to enter another costs order. Thus, the June 16 order has no effect.
Alaska Electrical Pension Fund v. Flowserve Corp., 572 F.3d 221 (5th Cir. 06/19/2009)	Jurisdiction is in Court of Appeals	"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." Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 58 (1982). But "the district court may still proceed with matters not involved in the appeal." Alice L. ex rel. R.L. v. Dusek, 492 F.3d 563, 564-65 (5th Cir. 2007) (per curiam). A notice of appeal from an interlocutory order does not produce a complete divestiture of the district court's jurisdiction over the case; rather, it only divests the district court of jurisdiction over those aspects of the case on appeal. Our caselaw makes this point clearly: "It is the general rule that a district court is divested of jurisdiction upon the filing of the notice of appeal with respect to any matters involved in the appeal. However, where an appeal is allowed from an interlocutory order, the district court may still proceed with matters not involved in the appeal." Taylor v. Sterrett, 640 F.2d 663, 667-68 (5th Cir. 1981); see also Griggs v. Provident Consumer Discount 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.") (emphasis added).
Alice L. v. Dusek, No. 07-50440 (5th Cir. 07/12/2007)	Jurisdiction is in Court of Appeals	As a rule, only one tribunal handles a case at a time. "[A] federal district court and a federal court of appeals should not attempt to assert jurisdiction over a case simultaneously. 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." Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 58, 74 L. Ed. 2d 225, 103 S. Ct. 400(1982). See also, e.g., Berman v. United States, 302 U.S. 211, 214, 82 L. Ed. 204, 58 S. Ct. 164(1937); Hovey v. McDonald, 109 U.S. 150, 157, 27 L. Ed. 888, 3 S. Ct. 136(1883); United States v. Hocking, 841 F.2d 735 (7th Cir. 1988); 9 Moore's Federal Practice para. 203.11 (2d ed. 1988); Charles Alan Wright, Arthur R. Miller, Edward H. Cooper & Eugene Gressman, 16 Federal Practice and Procedure § 3949 at p. 359 (1977). Cf. United States v. Cronin, 466 U.S. 648, 667 n.42, 80 L. Ed. 2d 657, 104 S. Ct. 2039(1984) (while an appeal is pending the district court may deny, but not grant, motions for relief from judgment); In re Jones, 768 F.2d 923, 930-31 (7th Cir. 1985) (concurring opinion) (questioning whether the district court retains even enough jurisdiction to issue an opinion explaining its actions, once an appeal has been filed). Someone must be in charge of a case; simultaneous proceedings in multiple forums create confusion and duplication of effort; the notice of appeal and the mandate after its resolution avoid these by allocating control between forums
Apostol v. Gallion, 870 F.2d 1335 (7th Cir. 03/28/1989)	Jurisdiction is in Court of Appeals	

Jurisdiction is in Court of Appeals

<p>Baron v. Best Buy Co., Inc., 79 F.Supp.2d 1350 (S.D.Fla 12/03/1999) Big Top Koolers, Inc. v. Circus-Man Snacks, Inc., No. 09-10698 (11th Cir. 08/18/2009)</p>	<p>jurisdiction is in Court of Appeals</p>	<p>"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." <i>Griggs v. Provident Consumer Discount Co.</i>, 459 U.S. 56, 58, 103 S.Ct. 400, 74 L.Ed.2d 225 (1982). As the Eleventh Circuit has explained, once a notice of appeal has been filed, the "district court retains only the authority to act in aid of the appeal, to correct clerical mistakes, or to aid in the execution of a judgment that has not been superseded." <i>Showtime/The Movie Channel, Inc. v. Covered Bridge Condominium Ass'n, Inc.</i>, 895 F.2d 711, 713 (11th Cir. 1990). although the filing of an appeal divests the district court of jurisdiction, <i>Griggs v. Provident Consumer Discount Co.</i>, 459 U.S. 56, 58, 103 S.Ct. 400, 402, 74 L.Ed.2d 225 (1982), this does not transform a Rule 60(b) motion into a tolling motion given the clear statutory time limits.</p>
<p>Blinco v. Green Tree Servicing, LLC, 366 F.3d 1249 (11th Cir. 04/26/2004)</p>	<p>jurisdiction is in Court of Appeals</p>	<p>The Supreme Court has explained that "a federal district court and a federal court of appeals should not attempt to assert jurisdiction over a case simultaneously. 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." <i>Griggs v. Provident Consumer Discount Co.</i>, 459 U.S. 56, 58, 103 S.Ct. 400, 401 (1982); see also <i>Marrese v. American Academy of Orthopedic Surgeons</i>, 470 U.S. 373, 379, 105 S.Ct. 1327, 1331 (1985), <i>reh'g denied</i>, 471 U.S. 1062, 105 S.Ct. 2127 (1985).</p>
<p>Board of Education of St. Louis v. Missouri, 936 F.2d 993 (8th Cir. 06/13/1991)</p>	<p>jurisdiction is in Court of Appeals</p>	<p>The City Board argues that the pending appeals of the district court's 1990 order deprived the district court of jurisdiction to further supervise the vocational education programs. The City Board relies on the general rule, discussed in <i>Griggs v. Provident Consumer Discount Co.</i>, 459 U.S. 56, 103 S. Ct. 400, 74 L. Ed. 2d 225 (1982), that the filing of a notice of appeal confers jurisdiction on the court of appeals and divests the district court of its control over matters involved in the appeal. <i>Id.</i> at 58. This reliance is misplaced. The district court's orders in this desegregation case are injunctive in nature. See <i>Liddell v. Board of Educ. of City of St. Louis (Liddell IV)</i>, 693 F.2d 721, 724 (8th Cir. 1981). The Federal Rules of Civil Procedure provide that when an appeal is taken from an interlocutory or final judgment granting, dissolving, or denying an injunction, the district court may "suspend, modify, restore, or grant an injunction during the pendency of the appeal upon such terms as to bond or otherwise as it considers proper for the security of the rights of the adverse party." Fed. R. Civ. P. 62 (c). The general rule that an appeal deprives a district court of jurisdiction over the issues appealed therefore is not absolute, and under certain circumstances, the district court retains jurisdiction to modify an injunction pending appeal. See 11 C. Wright &amp; A. Miller, <i>Federal Practice and Procedure</i> § 2904, at 320-25 (1973).</p>

Jurisdiction is in Court of Appeals

<p>We approach the subject from a different perspective, however, asking not whether appellants have shown a powerful reason why the district court must halt proceedings, but whether there is any good reason why the district court may carry on once an appeal has been filed. For it is fundamental to a hierarchical judiciary that "a federal district court and a federal court of appeals should not attempt to assert jurisdiction over a case simultaneously. 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." <i>Griggs v. Provident Consumer Discount Co.</i>, 459 U.S. 56, 58 (1982). See also, e.g., <i>Berman v. United States</i>, 302 U.S. 211, 214 (1937); <i>Hovey v. McDonald</i>, 109 U.S. 150, 157 (1883). The qualification "involved in the appeal" is essential -- it is why the district court may award costs and attorneys' fees after the losing side has filed an appeal on the merits, why the court may conduct proceedings looking toward permanent injunctive relief while an appeal about the grant or denial of a preliminary injunction is pending. Whether the case should be litigated in the district court is not an issue collateral to the question presented by an appeal under sec.16(a)(1)(A), however, it is the mirror image of the question presented on appeal. Continuation of proceedings in the district court largely defeats the point of the appeal and creates a risk of inconsistent handling of the case by two tribunals.</p>	<p>[T]he 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."}]</p>	<p>Bradford-Scott Data Corporation, Inc. v. Physician Computer Network, Inc., No. 97-2415 (7th Cir. 10/14/1997)          Brenner v. Commodity Futures Trading Commission, No. 02-3722 (7th Cir. 07/30/2003)07/30/2003</p>
<p>Broadly speaking, district courts have subject-matter jurisdiction over the first round of litigation proceedings, and the courts of appeal have jurisdiction over the second round. In that sense, then, in the language of Kontrick, different "classes of cases" fall within the "adjudicatory authority" of district courts and appellate courts--district courts have authority over trials and appellate courts have authority over appeals. <i>Id.</i> Appellate Rule 4 is thus jurisdictional in that it establishes the point of time at which the subject-matter jurisdiction of the district court ends and that of the court of appeals begins. See <i>Griggs v. Provident Consumer Disc. Co.</i>, 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."). The rules governing the timing of post-trial motions likewise involve drawing the temporal line marking the point when the district court's jurisdiction over a case ends and the jurisdiction of the appellate court begins.</p>	<p>See <i>Blinco v. Green Tree Servicing, LLC</i>, 366 F.3d 1249, 1251 (11th Cir. 2004) ("[A] federal district court and a federal court of appeals should not attempt to assert jurisdiction over a case simultaneously. 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.").</p>	<p>Brickwood Contractors, Inc. v. Datanet Engineering, Inc., 369 F.3d 385 (4th Cir. 05/26/2004)</p>
<p>In <i>Griggs v. Provident Consumer Discount Co.</i>, 459 U.S. 56, 103 S. Ct. 400, 74 L. Ed. 2d 225 (1982), the United States Supreme Court held that, "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." <i>Griggs</i>, 103 S. Ct. at 402. However, there are exceptions to the <i>Griggs</i> rule. According to the Court of Appeals for the Eleventh Circuit, exceptions to <i>Griggs</i> include "authority to act in aid of the appeal, to correct clerical mistakes or to aid in the execution of a judgment that has not been superseded." <i>Showtime/The Movie Channel v. Covered Bridge Condominium Ass'n</i>, 895 F.2d 711 (11th Cir. 1990) (citing <i>Matter of Thorp</i>, 655 F.2d 997 (9th Cir. 1981)).</p>	<p>In <i>Griggs v. Provident Consumer Discount Co.</i>, 459 U.S. 56, 103 S. Ct. 400, 74 L. Ed. 2d 225 (1982), the United States Supreme Court held that, "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." <i>Griggs</i>, 103 S. Ct. at 402. However, there are exceptions to the <i>Griggs</i> rule. According to the Court of Appeals for the Eleventh Circuit, exceptions to <i>Griggs</i> include "authority to act in aid of the appeal, to correct clerical mistakes or to aid in the execution of a judgment that has not been superseded." <i>Showtime/The Movie Channel v. Covered Bridge Condominium Ass'n</i>, 895 F.2d 711 (11th Cir. 1990) (citing <i>Matter of Thorp</i>, 655 F.2d 997 (9th Cir. 1981)).</p>	<p>Bryant v. Jones, No. 1-04-cv-2462-WSD (N.D. Ga. 01/10/2007)</p> <p>BURFORD EQUIP. CO. v. CENTENNIAL INS. CO., 857 F. Supp. 1499 (N.D.Ala. 04/22/1994)</p>

## Jurisdiction is in Court of Appeals

Ching v. United States, 298 F.3d 174 (2d Cir. 07/31/2002)	jurisdiction is in Court of Appeals	The filing of the notice of appeal divested the district court of jurisdiction over Ching's original § 2255 motion. <i>Griggs v. Provident Consumer Disc. Co.</i> , 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."). The district court could not rule on any motion affecting an aspect of the case that was before this Court, including a motion to amend the motion, while that appeal was pending. See <i>Hernandez v. Coughlin</i> , 18 F.3d 133, 138 (2d Cir. 1994) (explaining that the district court lacked jurisdiction to rule on a motion to amend a complaint after a notice of appeal was filed); see also <i>May v. Sheahan</i> , 226 F.3d 876, 880 (7th Cir. 2000) (holding that the district court could not grant motion to amend the complaint while interlocutory appeal was pending).
City of Los Angeles v. Santa Monica Baykeeper, 254 F.3d 882 (9th Cir. 06/26/2001)	jurisdiction is in Court of Appeals	The Supreme Court has concluded that jurisdiction is transferred from a district court to a court of appeals upon the filing of a notice of appeal. See <i>Griggs v. Provident Consumer Discount Co.</i> , 459 U.S. 56, 58 (1982) (per curiam) ("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."); <i>Visioneering Constr. &amp; Dev. Co. v. United States Fidelity &amp; Guar.</i> , 661 F.2d 119, 124 n.6 (9th Cir. 1981) ("Once a notice of appeal is filed jurisdiction is vested in the Court of Appeals, and the trial court thereafter has no power to modify its judgment in the case or proceed further except by leave of the Court of Appeals."). Thus, the filing of a notice of interlocutory appeal divests the district court of jurisdiction over the particular issues involved in that appeal.
Coastal Corp. v. Texas Eastern Corp., 869 F.2d 817 (5th Cir. 03/29/1989)03/29/1989	jurisdiction is in Court of Appeals	The Court noted that under most circumstances "a federal district court and a federal court of appeals should not attempt to assert jurisdiction over a case simultaneously." <i>Griggs</i> , 459 U.S. at 58, 103 S. Ct. at 402. The court went on to say: "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."
Coles v. Anheuser Busch, Inc., No. 3:05-cv-281-J-33MCR (M.D. Fla. 10/11/2006)	jurisdiction is in Court of Appeals	In essence, Coles requests that the Eleventh Circuit reconsider the dismissal. As such, it appears that Coles intended to file this motion with the Eleventh Circuit, not this Court. Moreover, Coles filed a timely notice of appeal and 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." <i>Blinco v. Green Tree Servicing, LLC</i> , 366 F.3d 1249, 1251 (11th Cir. 2004)(citing <i>Griggs v. Provident Consumer Discount Co.</i> , 459 U.S. 56, 58 (1982)).

Jurisdiction is in Court of Appeals

	<p>The general rule is that the filing of a notice of appeal, which defendants did in this case with respect to both appeals, "normally divests the district court of jurisdiction over matters concerned in the appeal and transfers jurisdiction over those matters to the court of appeals." <i>United States v. Rogers</i>, 788 F.2d 1472, 1475 (11th Cir. 1986) (citing <i>Marrese v. American Academy of Orthopaedic Surgeons</i>, 470 U.S. 373, 84 L. Ed. 2d 274, 105 S. Ct. 1327 (1985)). "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." <i>Griggs v. Provident Consumer Discount Co.</i>, 459 U.S. 56, 74 L. Ed. 2d 225, 103 S. Ct. 400 (1982) (emphasis supplied). The Eleventh Circuit has identified several exceptions to this general rule. In all events, the district court will retain the authority to "act in aid of the appeal, to correct clerical mistakes or to aid in the execution of a judgment that has not been superseded." <i>Showtime v. Covered Bridge Condominium Ass'n</i>, 895 F.2d 711, 713 (11th Cir. 1990). More specific exceptions preserve district court jurisdiction over matters involved in the appeal where the appeal is from the denial of a defendant's frivolous double jeopardy motion, see <i>Rogers</i>, 788 F.2d at 1475; where the appeal is from a nonappealable order, see <i>United States v. Hitchmon</i>, 602 F.2d 689, 691 (5th Cir. 1979) (en banc); or where appeal is by the government from a pretrial suppression order, and the district court retains jurisdiction for purpose of dismissing the indictment, see <i>United States v. Gatto</i>, 763 F.2d 1040, 1049 (9th Cir. 1985). Finally, a corollary of the general rule is that the district court will retain jurisdiction over matters not involved in the appeal.</p>
<p>DIAMOND WASTE, INC. v. MONROE CTY., jurisdiction is in Court of Appeals 859 F. Supp. 944 (M.D.Ga. 12/9/1994)</p>	<p>As a general proposition, the timely filing of a notice of appeal confers jurisdiction in the court of appeals "and divests the district court of its control over those aspects of the case involved in the appeal." <i>Griggs v. Provident Consumer Discount Co.</i>, 459 U.S. 56, 58 (1982). In this situation, however, the district court retained authority to act as it did because, even after the filing of a timely notice of appeal, a "district court does not lose jurisdiction to proceed as to matters in aid of the appeal." <i>Lyle v. Griffith</i>, 240 F.3d 404, 408 (4th Cir. 2001) (citation and quotation omitted). The court did exactly that; it "aided in this appeal by relieving us from considering the substance of an issue begotten merely from imprecise wording in the injunction." <i>Id.</i></p>
<p>Dixon v. Edwards, 290 F.3d 699 (4th Cir. 05/22/2002)</p>	<p>As a general rule, "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." <i>Griggs v. Provident Consumer Discount Co.</i>, 459 U.S. 56, 74 L. Ed. 2d 225, 103 S. Ct. 400 (1982) (per curiam). This transfer of jurisdiction from the district court to the court of appeals is not effected, however, if a litigant files a notice of appeal from an unappealable order. See <i>id.</i> (citing <i>Ruby v. Secretary of the Navy</i>, 365 F.2d 385, 389 (9th Cir. 1966) (en banc), cert. denied, 386 U.S. 1011, 18 L. Ed. 2d 442, 87 S. Ct. 1358 (1967)); <i>United States v. Garner</i>, 663 F.2d 834, 838 (9th Cir. 1981), cert. denied, 456 U.S. 905, 72 L. Ed. 2d 161, 102 S. Ct. 1750 (1982)</p>
<p>Estate of Marilyn Marie Conners v. O'Connor, 6 F.3d 656 (9th Cir. 05/11/1993)</p>	<p>Jurisdiction is in Court of Appeals</p>



Jurisdiction is in Court of Appeals

<p>Florida Evergreen Fol. v. E.I. Dupont de Nemours, 165 F.Supp.2d 1345 (S.D.Fla 08/23/2001)</p>	<p>Jurisdiction is in Court of Appeals</p>	<p>When the Eleventh Circuit Court of Appeals granted interlocutory review of this Court's March 8, 2001 Order on DuPont's motions for judgment on the pleadings based on litigation conduct and reasonable reliance, it divested this Court of jurisdiction to consider the motion to amend the complaint in Case No. 98-2256-Civ-Gold. "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." Griggs v. Provident Consumer Disc. Co., 459 U.S. 56, 58, 103, S.Ct. 400, 401(1982). Other federal courts that have addressed this issue typically disallow motions to amend a complaint at the district court level after a court of appeals accepts jurisdiction over an interlocutory appeal. See, e.g., May v. Sheehan, 226 F.3d 876, 878 (7th Cir. 2000) ("As a general matter, a notice of appeal "divests the district court of its control over those aspects of the case involved in the appeal," [such that] the district court retains jurisdiction to act only if the order being appealed or the proceeding before the district court is a discrete matter ancillary to the issues under consideration in the other court.") (citations omitted); Dayton Indep. Sch. Dist. v. U.S. Mineral Prods. Co., 906 F.2d 1059, 1063 (5th Cir. 1990) ("When one aspect of a case is before the appellate court on interlocutory review, the district court is divested of jurisdiction over that aspect of the case. A district court does not have the power to alter the status of the case as it rests before the Court of Appeals.") (citations omitted); see also Hernandez v. Coughlin, 18 F.3d 133, 138 (2nd Cir. 1994) (once the plaintiff filed a notice of appeal of the order dismissing his case, jurisdiction was transferred to the Court of Appeals, and a "subsequent motion to file an amended complaint was therefore precluded because the district court was without jurisdiction to permit the amendment").</p>
<p>Fogade v. ENB Revocable Trust, 263 F.3d 1274 (11th Cir. 08/28/2001)</p>	<p>Jurisdiction is in Court of Appeals</p>	<p>See generally, Griggs v. Provident Consumer Disc. Co., 459 U.S. 56, 58, 103 S.Ct. 400, 402 (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 of those aspects of the case involved in the appeal."); Weaver v. Fla. Power &amp; Light Co., 172 F.3d 771, 773 (11th Cir. 1999) (same).</p>
<p>Gadsden v. Jersey City Public Schools, No. 08-4296 (3d Cir. 12/09/2009)</p>	<p>Jurisdiction is in Court of Appeals</p>	<p>the District Court ruled on the apparent recusal motion while Gadsden's first appeals were pending. Generally, "the filing of a notice of appeal divests the district court of jurisdiction over the case pending disposition of the appeal." See Venen v. Sweet, 758 F.2d 117, 120 (3d Cir. 1985) (citing Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 58 (1982) (per curiam)). However, the District Court did not lose jurisdiction in this case because Gadsden appealed from an order that could no longer be appealed. See Venen, 758 F.2d at 120.</p>
<p>Graves v. Principi, 294 F.3d 1350 (Fed. Cir. 06/25/2002)06/25/2002</p>	<p>Jurisdiction is in Court of Appeals</p>	<p>See Griggs v. Provident Consumer Discount 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."); Cerullo v. Derwinski, 1 Vet. App. 195, 196-97 (1991) (applying the Griggs principle in the context of an appeal from the Board and concluding that jurisdiction is considered transferred to the Veterans Court at the time that a notice of appeal is filed). In that event, the Veterans Court may suspend proceedings in the appeal that is pending before it.</p>

Jurisdiction is in Court of Appeals

<p>Green Leaf Nursery v. E.I. DuPont De Nemours and Co., 341 F.3d 1292 (11th Cir. 08/15/2003)</p>	<p>Jurisdiction is in Court of Appeals</p>	<p>"The filing of a notice of appeal is an event of jurisdictional significance that 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." <i>Griggs v. Provident Consumer Discount Co.</i>, 459 U.S. 56, 58, 103 S. Ct. 400, 402, 74 L. Ed. 2d 225 (1982); see <i>Dayton Indep. Sch. Dist. v. U.S. Mineral Prods. Co.</i>, 906 F.2d 1059, 1063 (5th Cir. 1990) ("When one aspect of a case is before the appellate court on interlocutory review, the district court is divested of jurisdiction over that aspect of the case. A district court does not have the power to alter the status of the case as it rests before the Court of Appeals.") (citations and internal quotation marks omitted). Because the proposed amendment would have altered the status of the case, the district court properly found that it was without jurisdiction to grant Plaintiffs' leave to file an amended complaint.</p>
<p>Green v. Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, No. 08-31187 (5th Cir. 07/08/2009)</p>	<p>Jurisdiction is in Court of Appeals</p>	<p>"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." <i>Griggs v. Provident Consumer Discount Co.</i>, 459 U.S. 56, 58 (1982). In short, the district court lacked jurisdiction to consider Green's motion.</p>
<p><b>Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 58 (1982) (per curiam).</b></p>	<p>Jurisdiction is in Court of Appeals</p>	<p><b>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.</b> Even if we did have jurisdiction, it would matter little. It is also elementary that once a notice of appeal is filed with the district court it is divested of jurisdiction over the case, and the appellate court assumes jurisdiction. <i>Kusay v. United States</i>, 62 F.3d 192, 193 (7th Cir. 1995) ("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"). Once Grube filed her notice of appeal from the October 30 order, the district court was without jurisdiction to entertain her 56(g) motion.</p>
<p>Grube v. Lau Industries, Inc., 257 F.3d 723 (7th Cir. 07/19/2001)</p>	<p>Jurisdiction is in Court of Appeals</p>	<p>My belief that section 403(e) does not apply to this case is confirmed by the Supreme Court's decision in <i>Griggs v. Provident Consumer Discount Co.</i>, 459 U.S. 56, 74 L. Ed. 2d 225, 103 S. Ct. 400. In that case, the Supreme Court indicated that "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 of those aspects of the case involved in the appeal." <i>Id.</i> at 58 (emphasis added). Accordingly, notices of appeal that are filed while Rule 59 motions are pending should be treated as "nullities" according to the Supreme Court. <i>Id.</i> at 61. For this reason, I am persuaded that in the present case the first and second rounds of notices of appeal were invalid because they were filed while Rule 59 motions were pending and were not of jurisdictional significance.</p>
<p>Harold Weisberg v. U.S. Department of Justice 06/04/1985 CDC</p>	<p>Jurisdiction is in Court of Appeals</p>	<p>Harper's appeal of the district court's dismissal of his original action wrested that court of jurisdiction over subsequent related motions. The district court therefore properly found that it lacked jurisdiction over Harper's "Motion Requesting . . . the Correction of Records" under <i>Stewart v. Dinges</i>, 915 F.2d 572, 575 (10th Cir. 1990). The record Harper wishes "corrected" is the court docket sheet from his original trial, which is "involved" in the alleged misconduct for which Harper seeks relief in the <i>Bivens</i> action whose dismissal he challenges in the instant appeal. Filing a notice of appeal, whether from a true final judgment or from a decision within the collateral order exception, "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." <i>Stewart</i>, 915 F.2d at 575 (citations omitted)</p>
<p>Harper v. Ashcroft, No. 04-1179 (10th Cir. 09/24/2004)09/24/2004</p>	<p>Jurisdiction is in Court of Appeals</p>	<p>(citations omitted)</p>

Jurisdiction is in Court of Appeals

<p>As a general rule, "[t]he 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." <i>Griggs v. Provident Consumer Discount Co.</i>, 459 U.S. 56, 58 (1982). However, the timely filing of certain post-trial motions*fn7 - even if filed after the filing of a notice of appeal- divests the appellate court of jurisdiction conferred on it by the notice. See <i>Stone</i>, 514 U.S. at 402-03 ("The majority of post-trial motions, such as [a Fed. R. Civ. P.] Rule 59 (motion for a new trial), render the underlying judgment nonfinal . . . when filed after the notice of appeal (thus divesting the appellate court of jurisdiction)").</p>		<p>Henderson v. Ray, 164 Fed.Appx. 760 (10th Cir. 03/26/2006)01/26/2006  Henderson v. Shinseki, 589 F.3d 1201 (Fed. Cir. 12/17/2009)  Holmes Group, Inc. v. Vornado Air Circulation Systems, Inc., 122 S.Ct. 1889, 153 L.Ed 2d 13 (U.S. 06/03/2002)</p>
<p>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.</p>		<p>Hugo Princz, v. Federal Republic Of 04/14/1993</p>
<p>Because an appeal properly pursued from the district court's order divests the district court of control over those aspects of the case on appeal, see <i>Griggs v. Provident Consumer Discount Co.</i>, 459 U.S. 56, 58, 74 L. Ed. 2d 225, 103 S. Ct. 400 (1982) (per curiam) ("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."). <i>Apostol v. Gallion</i>, 870 F.2d 1335 (7th Cir. 1989) (appeal from denial of claims of qualified immunity divested district court of jurisdiction), exclusive jurisdiction to resolve the threshold issue this case presents vests in this court, and the district court may not proceed to trial until the appeal is resolved.</p>		<p>In re Cotton, No. 07-10408 (11th Cir. 10/12/2007)</p>
<p>In a recent bankruptcy case, we held that "the filing of a notice of appeal generally '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.'" In <i>re Mosley</i>, No. 06-10349, slip. op. at 3201 (11th Cir., Aug. 9, 2007). In this case, the bankruptcy court dismissed the Chapter 7 case while the appeal of its earlier order denying Cotton's motion for the voluntary dismissal of the Chapter 13 case and converting it to a Chapter 7 case was pending in the district court. Because we believe that the <i>in re Mosley</i> rationale applies in the present context, we hold that the bankruptcy court lacked jurisdiction to enter the order of dismissal.</p>		<p>In re Hughes, No. 09-11676 (11th Cir. 12/11/2009)</p>

## Jurisdiction is in Court of Appeals

<p>In re Marino, No. CC-98-1347-JBP (9th Cir. 06/02/1999)</p>	<p>Jurisdiction is in Court of Appeals</p>	<p>"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." <i>Trulis v. Barton</i>, 107 F.3d 685, 694-95 (9th Cir. 1995). This judge-made principle is designed to promote judicial economy and prevent the confusion that would result from two courts addressing the same issue. 20 James Wm. Moore et al., <i>Moore's Federal Practice</i> ¶ 303.32[1] (3rd ed. 1999) ("Moore's"). A pending appeal divests a bankruptcy court of jurisdiction to vacate or modify an order which is on appeal. In re Hagel, 184 B.R. 793, 798 (9th Cir. BAP 1995). This principle serves to ensure "the integrity of the appellate process." <i>Id.</i></p>
<p>In re Markarian, No. MW 96-031 (1st Cir. 11/20/1998)11/20/1998</p>	<p>Jurisdiction is in Court of Appeals</p>	<p>"The filing of a timely and sufficient notice of appeal has the effect of immediately transferring jurisdiction from the district court to the court of appeals with respect to any matters involved in the appeal. . . . Thus, after a notice of appeal is timely filed, the district court has no power to vacate the judgment, or to grant the appellant's motion to dismiss the action without prejudice, or to allow the filing of amended or supplemental pleadings. (Footnotes omitted.) <i>Accord</i>, <i>Ruby v. Secretary of the U. S. Navy</i>, 365 F.2d 385 (9th Cir. 1966), en banc, cert. denied, 386 U.S. 1011, 87 S. Ct. 1358, 18 L. Ed.2d 442 (1967); <i>Corn v. Guam Coral Co.</i>, 318 F.2d 622 (9th Cir. 1963); <i>Resnik v. La Paz Guest Ranch</i>, 289 F.2d 814 (9th Cir. 1961). This rule is clearly necessary to prevent the procedural chaos that would result if concurrent jurisdiction were permitted. <i>Bennett v. Gemmill</i> (In re Combined Meals Reduction Co.), 557 F.2d 179, 200 (9th Cir. 1977); <i>accord</i> <i>Marrese v. American Academy of Orthopaedic Surgeons</i>, 470 U.S. 373, 378 (1985) (quoting <i>Griggs</i>); <i>Griggs v. Provident Consumer Discount Co.</i>, 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."); <i>Iusino v. Zayas</i>, 875 F.2d 986, 989 (1st Cir. 1989) ("To be sure, the district court waited over a year to act-and when it did, the case was on appeal. Technically, the district court lacked jurisdiction at that time and, before granting reconsideration, should have issued a brief memorandum asking us to remand."); <i>Peterman v. Indian Motorcycle Co.</i>, 216 F.2d 289, 291 (1st Cir. 1954) ("[O]n July 13, 1954, the district court no longer had control over that judgment, since the plaintiff had filed his notice of appeal therefrom on June 21, 1954, and the case was pending within the exclusive jurisdiction of the Court of Appeals.");</p>
<p>In re Mosley, 494 F.3d 1320 (11th Cir. 08/09/2007)</p>	<p>Jurisdiction is in Court of Appeals</p>	<p>"The filing of a notice of appeal generally "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." <i>Griggs v. Provident Consumer Disc. Co.</i>, 459 U.S. 56, 58 (1982). An exception to this rule exists, however, where the lower court acts in aid of appellate review, and a lower court has jurisdiction to reduce its oral findings to writing even if a party has filed a notice of appeal in the interim. See <i>Silberkraus v. The Seeley Co.</i> (In re Silberkraus), 336 F.3d 864, 869 (9th Cir. 2003) (stating that "the bankruptcy court retained jurisdiction to publish its written findings of fact and conclusions of law because they were consistent with the court's oral findings and because they aid us in our review of the court's decision").</p>
<p>In re Picht, No. KS-08-076 (10th Cir. 04/14/2009)</p>	<p>Jurisdiction is in Court of Appeals</p>	<p>As stated by the United States Supreme Court, "[t]he 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." <i>Griggs v. Provident Consumer Disc. Co.</i>, 459 U.S. 56, 58 (1982)</p>
<p>In re Roberts, No. 07-10654 (11th Cir. 08/29/2008)</p>	<p>Jurisdiction is in Court of Appeals</p>	<p>"The filing of a notice of appeal generally '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.'" In <i>Mosley</i>, 494 F.3d 1320, 1328 (11th Cir. 2007) (quoting <i>Griggs v. Provident Consumer Disc. Co.</i>, 459 U.S. 56, 58, 103 S.Ct. 400, 402 (1982)).</p>

## Jurisdiction is in Court of Appeals

<p>In re Statistical Tabulating Corp., Inc., No. 94-2331 (7th Cir. 08/02/1995)</p>	<p>Jurisdiction is in Court of Appeals</p>	<p>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 . . . . The 'jurisdictional significance' of a pending appeal applies equally to a bankruptcy court. The filing of a notice of appeal to a district court divests a bankruptcy court of jurisdiction to proceed with matters raised by such appeal. This divestment of jurisdiction preserves the integrity of the appellate process by avoiding needless confusion which would flow from putting the same issues before two courts at once.</p>
<p>In re Teknek, LLC, 563 F.3d 639 (7th Cir. 04/29/2009)</p>	<p>Jurisdiction is in Court of Appeals</p>	<p>in apparent violation of the ancient stricture that, when a case is on appeal, all lower courts lose jurisdiction over it and related matters. In the Matter of Statistical Tabulating Corp., Inc., 60 F.3d 1286, 1289 (7th Cir. 1995) (citing Griggs v. Provident Consumer Disc. Co., 459 U.S. 56, 58 (1982)). The purpose of this rule is to avoid the confusion of placing the same matter before two courts at the same time and to preserve the integrity of the appeal process. Whispering Pines Estates, Inc. v. Flash Island, Inc., 369 B.R. 752, 757 (B.A.P. 1st Cir. 2007). The situation before us is a perfect example of why this rule matters.</p>
<p>In re TransTexas Gas Corporation, 303 F.3d 571 (5th Cir. 08/22/2002)</p>	<p>Jurisdiction is in Court of Appeals</p>	<p>it is a fundamental tenet of federal civil procedure that - subject to certain, defined exceptions - the filing of a notice of appeal from the final judgment of a trial court divests the trial court of jurisdiction and confers jurisdiction upon the appellate court. See, e.g., Griggs v. Provident Consumer Discount 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."). This rule applies with equal force to bankruptcy cases.</p>
<p>In re Walker, 515 F.3d 1204 (11th Cir. 01/31/2008)</p>	<p>Jurisdiction is in Court of Appeals</p>	<p>This Court concluded that while the filing of a notice of appeal generally "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," an exception exists. Id. at 1328 (quoting Griggs, 459 U.S. at 58). We concluded that when a trial court reduces its oral findings to writing and cites relevant case law, it does not lack jurisdiction to do so because the losing party filed a notice of appeal after the oral hearing but before the entry of the written order. Id. Such a subsequent order aids appellate review.</p>
<p>In re Watson, 403 F.3d 1 (1st Cir. 03/25/2005) International Association of Machinists and Aerospace Workers v. Eastern Air Lines Inc., 847 F.2d 1014 (2nd Cir. 05/24/1988)</p>	<p>Jurisdiction is in Court of Appeals</p>	<p>The entry states: "Trustee suggested extending the time to file an amended plan until 10 days after a decision on the case by the BAP. Parties consent to this and will submit an order." The Watsons, however, never filed an amended plan within the ten-day grace period following the BAP's judgment which was issued on May 21, 2004. Instead, on June 15, 2004, 25 days later, they filed a timely appeal to this Court. Their appeal had the effect of transferring jurisdiction here from the bankruptcy court. See Griggs v. Provident Consumer Discount 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").</p> <p>see Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 58, 74 L. Ed. 2d 225, 103 S. Ct. 400 (1982) (filing of notice of appeal "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").</p>

Jurisdiction is in Court of Appeals

<p>Johnson v. Hay, 931 F.2d 456 (8th Cir. 04/15/1991)</p>	<p>jurisdiction is in Court of Appeals</p>	<p>We have held that "[a] federal district court and a federal court of appeals should not attempt to assert jurisdiction over a case simultaneously," and that the filing of a notice of appeal "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." United States v. Ledbetter, 882 F.2d 1345, 1347 (8th Cir. 1989) (quoting Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 58, 74 L. Ed. 2d 225, 103 S. Ct. 400 (1982) (per curiam)). Once a notice of appeal has been filed in a case in which there has been denial of a summary judgment motion raising the issue of qualified immunity, the district court should then stay its hand. Jurisdiction has been vested in the court of appeals and the district court should not act further. If the appeal is utterly lacking in merit and for the purpose of delay only, this court may take appropriate action. See, e.g., Chicago &amp; North Western Transp. Co. v. Ulery, 787 F.2d 1239 (8th Cir. 1986) (appeal dismissed).</p>
<p>Kelley v. St. Paul Fire &amp; Marine Insurance Co., 856 F.2d 194 (6th Cir. 08/29/1988)</p>	<p>Jurisdiction is in Court of Appeals</p>	<p>"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. Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 58 (1982). Any action of the district court pertaining to matters involved in the appeal is null and void and will be vacated. See Rucker v. United States Dept. of Labor, 798 F.2d 891 (6th Cir. 1986); First Nat'l Bank v. Hirsch, 535 F.2d 343 (6th Cir. 1976); Keohane v. Swarco, Inc., 320 F.2d 429 (6th Cir. 1963), aff'd, 328 F.2d 615 (6th Cir. 1964).</p>
<p>Kidder, Peabody &amp; Co. v. Maxus Energy Corp., 925 F.2d 556 (2nd Cir. 02/06/1991)</p>	<p>Jurisdiction is in Court of Appeals</p>	<p>Maxus contends that once it filed its notice of appeal to this court, the district court was divested of jurisdiction to issue an injunction. As a general rule, once a notice of appeal has been filed, "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." Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 58, 103 S. Ct. 400, 74 L. Ed. 2d 225 (1982) (per curiam). We have noted an exception to that general rule in International Ass'n of Machinists &amp; Aerospace Workers v. Eastern Air Lines, 847 F.2d 1014 (2d Cir. 1988). There, the court held that under Fed. R. Civ. P. 62(c), a district court may grant injunctive relief after a proper notice of appeal has been filed, but only when it is necessary to preserve the status quo pending the appeal. Id. at 1018.</p>

Jurisdiction is in Court of Appeals

	<p>"[A] federal district court and a federal court of appeals should not attempt to assert jurisdiction over a case simultaneously. 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." <i>Griggs v. Provident Consumer Discount Co.</i>, 459 U.S. 56, 58 (1982). See also <i>Marrese v. American Academy of Orthopaedic Surgeons</i>, 470 U.S. 373, 379 (1985); <i>Hovey v. McDonald</i>, 109 U.S. 150, 157 (1883); <i>Apostol v. Gallion</i>, 870 F.2d 1335, 1337 (7th Cir. 1989); <i>Henry v. Farmer City State Bank</i>, 808 F.2d 1228, 1240 (7th Cir. 1986). Just as the notice of appeal transfers jurisdiction to the court of appeals, so the mandate returns it to the district court. Until the mandate issues, the case is "in" the court of appeals, and any action by the district court is a nullity. <i>United States v. Wells</i>, 766 F.2d 12, 19 (1st Cir. 1985); <i>Zaklana v. Mt. Sinai Medical Center</i>, 906 F.2d 645, 649 (11th Cir. 1990); <i>Charles Alan Wright, Arthur R. Miller, Edward H. Cooper &amp; Eugene Grossman</i>, 16 <i>Federal Practice &amp; Procedure</i> sec. 3949 at 359 (1977). Griggs notes an important limitation on the rule that just one court at a time possesses jurisdiction: the doctrine applies only to "those aspects of the case involved in the appeal." A district court therefore may consider whether to grant permanent injunctive relief while an appeal from a preliminary injunction is pending, <i>Chrysler Motors Corp. v. Industrial Workers Union</i>, 909 F.2d 248, 250 (7th Cir. 1990). A district court may address ancillary questions such as costs, the registration of judgments, and motions for certificates of probable cause. <i>Chicago Truck Drivers Pension Fund v. Central Transport, Inc.</i>, 935 F.2d 114, 119-20 (7th Cir. 1991); <i>Wilson v. O'Leary</i>, 895 F.2d 378, 382 (7th Cir. 1990). And when a notice of appeal from an interlocutory order is a frivolous effort to block the normal progress of litigation, the district judge may so certify and continue with the case. <i>McMath v. Gary</i>, 976 F.2d 1026 (7th Cir. 1992); <i>Apostol</i>, 870 F.2d at 1338-39. The hearing the district court conducted cannot be described as an ancillary or unrelated matter -- it was the nub of the case, the very thing we directed the court to do on remand, but done before the remand occurred.</p>
<p><i>Kusay v. United States</i>, No. 93-3973 (7th Cir. 08/03/1995)</p>	<p>Jurisdiction is in Court of Appeals</p>
<p><i>Ladd v. McKune</i>, 110 F.3d 74 (10th Cir. 04/03/1997)</p>	<p>Jurisdiction is in Court of Appeals</p>
<p><i>Lancaster v. Presley</i>, 35 F.3d 229 (5th Cir. 10/18/1994)</p>	<p>Jurisdiction is in Court of Appeals</p>

## Jurisdiction is in Court of Appeals

Liddell v. Board Of Education Of The City Of St-Louis, No. 95-1093 (8th Cir. 01/12/1996)	jurisdiction is in Court of Appeals	Once appealed, issues before an appellate court should not be undermined or altered. As a general rule: a federal district court and a federal court of appeals should not attempt to assert jurisdiction over a case simultaneously. 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. <i>Griggs v. Provident Consumer Discount Co.</i> , 459 U.S. 56, 58 (1982). Subsequent proceedings in the district court are ordinarily ineffective. 9 James W. Moore et al., <i>Moore's Federal Practice</i> Para(s) 203.11, at 3-47 (2d ed. 1995).
Lupo v. Human Affairs International Inc., 28 F.3d 269 (2nd Cir. 06/30/1994)	jurisdiction is in Court of Appeals	The filing of the notice of this appeal divested Judge Daly of jurisdiction to entertain the motion to remand. See <i>Griggs v. Provident Consumer Discount Co.</i> , 459 U.S. 56, 58, 74 L. Ed. 2d 225, 103 S. Ct. 480 (1982) (per curiam) ("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.")
MARRESE ET AL. v. AMERICAN ACADEMY ORTHOPAEDIC SURGEONS, 105 S. Ct. 1327, 470 U.S. 373 (U.S. 03/04/1985)	jurisdiction is in Court of Appeals	In general, 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. <i>Griggs v. Provident Consumer Discount Co.</i> , 459 U.S. 56, 58 (1982) (per curiam).
McNair v. Campbell, 315 F. Supp.2d 1179 (M.D. Ala. 04/29/2004)	jurisdiction is in Court of Appeals	As a general rule, "[t]he 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." <i>Green Leaf Nursery v. E.I. DuPont De Nemours and Co.</i> , 341 F.3d 1292, 1309 (11th Cir. 2003)(quoting <i>Griggs v. Provident Consumer Disc. Co.</i> , 459 U.S. 56, 58, 103 S.Ct. 400, 402 (1982)). However, on March 26, 2004, after the State had filed its notice of appeal, McNair timely filed the instant motion — pursuant to Fed.R.Civ.P. 59(e) — to alter or amend the judgment. The effect of McNair's Rule 59 motion is (1) to stay the notice of appeal until the motion is resolved and (2) to revive this court's jurisdiction. Fed.R.App.P. 4(a)(4)(B)(i); accord <i>20 Moore's Federal Practice</i> § 303.32[2][c][iii] (2003) ("The filing of a timely motion under [Rule 50(b), 52(b), or 59] suspends the finality of the judgment and delays the effectiveness of a previously filed notice of appeal. The jurisdiction of the district court is revived without the necessity of a remand."). Thus, this court has jurisdiction to rule on McNair's motion to alter or amend its judgment.



Jurisdiction is in Court of Appeals

<p>Mishra v HCA Inc., No. CV 105-101 (S.D.Ga. 09/08/2009)</p>	<p>Jurisdiction is in Court of Appeals</p>	<p>Because the only pending motion in this case, Plaintiff's motion for relief from judgment, was filed after her notice of appeal, the Court must first determine whether it has jurisdiction to consider this motion. Ordinarily, "[t]he 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 the case involved in an appeal" Griggs v. Provident Consumer Discount Company, 459 U.S. 56, 58 (1982). However, Rule 4(a) (4) provides a list of post-judgment motions that, if timely filed, "the appeal self-destructs." * (citing 9 J. Moore, B. Ward &amp; J. Lucas, Moore's Federal Practice ¶ 204.12[1], at 4-65 n. 17 (2d ed. 1982)). The list of post-judgment motions in Rule 4(a) (4) (A) includes motions for a new trial under Rule 59; or for relief under Rule 60 if the motion is filed no later than 10 days after the judgment is entered." Fed. R. App. P. 4(a) (4) (A) (v-vi). As was previously stated, Plaintiff's Rule 59 motion was not timely filed. Plaintiff's Rule 60 motion, which was timely filed, was nevertheless filed more than ten days after judgment was entered. When a post-judgment motion is not one of the four enumerated in Rule 4 (a) (4), the motion does not operate to stay a party's notice of appeal and the district court lacks jurisdiction to consider the motion. See Alward v. Burrelle's Info. Servs., No. 365 2001 WL 1708779 at *3 (D. Ariz. Dec. 5 2001). Accordingly, this case remains stayed, and this Court cannot consider Plaintiff's motion for relief from judgment until the appeal is ruled upon by the Court of Appeals.</p>
<p>Motorola Credit Corp. v. Kemaluzan, No. 03-7792 (2d Cir. 10/21/2004)</p>	<p>Jurisdiction is in Court of Appeals</p>	<p>The Supreme Court has stated that "[t]he 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." Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 58 (1982); see also New York State Nat'l Org. for Women v. Terry, 886 F.2d 1339, 1350 (2d Cir. 1989) ("[T]he filing of a notice of appeal only divests the district court of jurisdiction respecting the questions raised and decided in the order that is on appeal."). See <i>In re Walker</i>, 515 F.3d 1204, 1211 (11th Cir. 2008) (stating that "[t]he filing of a proper notice of appeal is an event of jurisdictional significance--it confers jurisdiction on the appellate court and divests the trial court of its control over those aspects of the case involved in the appeal. Griggs v. Provident Consumer Disc. Co., 459 U.S. 56, 58 . . . (1982)[]"). See also <i>Mumoz v. U.S.</i>, Slip Copy, 2009 WL 1651427 (S.D. Fla. Jun.10, 2009) (finding that "[s]ince the Eleventh Circuit has acknowledged receipt of Petitioner's appeal, is proceeding with the appeal, and . . . has not remanded the case, I do not have jurisdiction to consider the instant Motion[]"); <i>In re Roberts</i>, 291 Fed. Appx. 296 (11th Cir. 2008) (providing that "the filing of a notice of appeal generally '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.'" <i>In re Mosley</i>, 494 F.3d 1320, 1328 (11th Cir. 2007)").</p>
<p>Muhammad v. HSBC Bank USA, N.A., No. 09-00053-KD-N (S.D.Ala. 01/25/2010)</p>	<p>Jurisdiction is in Court of Appeals</p>	<p>The District filed notice of appeal on May 16, 1996, and therefore this court had jurisdiction over matters directly relating to the judgment below by the time the new legislation became effective on June 13, 1996. See Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 58 (1982) ("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 aspects of the case involved in the appeal"). Although the 1993 amendments to the Rules of Appellate Procedure provide that filing of certain post-trial motions before the district court will serve to suspend a notice of appeal, the District would have had to raise its claim of mootness before the district court in the form of a Rule 60(b) motion and such a motion only suspends a notice of appeal if it is filed ten days after the judgment is entered. See Federal Rule of Appellate Procedure 4(a)(4); Federal Rule of Civil Procedure 60(b). The district court entered its judgment on April 19, 1996, and thus this ten-day deadline had long passed by the time the new legislation became effective</p>

## Jurisdiction is in Court of Appeals

<p>Neary v. Padilla, 222 F.3d 1184 (9th Cir. 08/14/2000)</p>	<p>Jurisdiction is in Court of Appeals</p>	<p>However, the Trustee's timely filing of its notice of appeal of the BAP's decision to this court conferred jurisdiction on this court and divested both the BAP and the bankruptcy court of control over those aspects of the case involved in the appeal. See <i>Griggs v. Provident Consumer Discount Co.</i>, 459 U.S. 56, 58 (1982) ("The filing of a notice of appeal . . . 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."); <i>Hill &amp; Sandford, LLP v. Mirzai (In re Mirzai)</i>, 236 B.R. 8, 10 (B.A.P. 9th Cir. 1999) ("[I]f a district court would be forbidden to act because of an appeal pending before the court of appeals, then both the bankruptcy appellate panel and the bankruptcy court would be similarly constrained."); <i>Marino</i>, 234 B.R. at 770 (noting that the jurisdiction the bankruptcy court regained upon the issuance of the BAP's mandate was divested upon the creditor's filing of its notice of appeal to the court of appeals from the BAP's decision).</p>
<p>Nieves v. City of Cleveland, 153 Fed.Appx. 349, 2005 Fed.App. 0740N (6th Cir. 08/24/2005)</p>	<p>Jurisdiction is in Court of Appeals</p>	<p>Awarding fees and costs, or any sanction for that matter, associated with Nieves's appeal of the imposition of Rule 11 sanctions, constituted an erroneous ruling on the law and was an abuse of discretion. "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." <i>Griggs v. Provident Consumer Disc. Co.</i>, 459 U.S. 56, 58 (1982). In <i>Webster v. Sowders</i>, we declared that there is a "fairly clear separation between conduct on appeal sanctionable by the appellate court and conduct in the trial court sanctionable by the trial court." 846 F.2d 1032, 1040 (6th Cir. 1988). The district court has no authority under Rule 11 to sanction a party or a lawyer for filing even a frivolous appeal. See <i>id.</i> Indeed, our position was confirmed by the Supreme Court in <i>Cooter &amp; Gell</i> in which the court held that "Rule 11 does not authorize a district court to award attorney's fees incurred on appeal." <i>Cooter &amp; Gell</i>, 496 U.S. at 409. The Supreme Court reasoned that "[n]either the language of Rule 11 nor the Advisory Committee Note suggests that the Rule could require payment for any activities outside the context of district court proceedings." <i>Id.</i> at 406. "If the appeal of a Rule 11 sanction is itself frivolous, Rule 38 gives appellate courts ample authority to award expenses." <i>Id.</i> at 407. We conclude therefore that the district court had no authority to impose sanctions related to the attorney fees and costs incurred by Fano in defending against Nieves's appeal.</p>
<p>Redfield v. Continental Casualty Corp., 818 F.2d 596 (7th Cir. 05/06/1987)</p>	<p>Jurisdiction is in Court of Appeals</p>	<p>"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 of the case involved in the appeal." <i>Griggs v. Provident Consumer Discount Co.</i>, 459 U.S. 56, 58, 74 L. Ed. 2d 225, 103 S. Ct. 400 (1982)</p> <p>The petitioner has filed a "motion to dismiss all proceedings in the instant case at bar." (Doc. 34). Because the petitioner has already filed a notice of appeal, (Doc. 27), this Court lacks jurisdiction to dismiss the action; any such motion must be filed with the Eleventh Circuit. See <i>Griggs v. Provident Consumer Discount Co.</i>, 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 of those aspects of the case involved in the appeal."). Accordingly, the motion to dismiss is denied.</p>
<p>Rees v. McDonnell, 04-0368-WS-M. (S.D.Ala. 10/07/2005)</p>	<p>Jurisdiction is in Court of Appeals</p>	

Jurisdiction is in Court of Appeals

<p>Rigdon v. State, No. CV406-240 (S.D.Ga. 08/04/2008)</p>	<p>Jurisdiction is in Court of Appeals</p>	<p>The issue before the Court is whether the proceedings in this case should be stayed pending the Outcome of Defendants' appeal. "[A] federal district court and a federal court of appeals should not attempt to assert jurisdiction over a case simultaneously. 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." <i>Bunco v. Green Tree Servicing, LLC</i>, 366 F.3d 1249, 1251 (11th Cir. 2004) (quoting <i>Griggs v. Provident Consumer Discount Co.</i>, 459 U.S. 56, 58, 103 S. Ct. 400, 74 L. Ed. 2d 225 (1982) (emphasis added)). It is proper, therefore, for the district court to stay proceedings pending appeal of a denial of immunity <i>id.</i> at 1252. But the district court may also "declare that the appeal is frivolous, and if it is the district court may carry on with the case." <i>Id.</i></p>
<p>Robinson v. Thorpe, No. 5:06-CV-191 (M.D.Ga. 12/20/2007)</p>	<p>Jurisdiction is in Court of Appeals</p>	<p>Before the Court is Plaintiff Antonio Robinson's "Motion for Declaratory Judgment." (Doc. 73). The nature of this motion is unclear, as is the relief Plaintiff seeks. In any event, final judgment has been entered in this case and Plaintiff has filed a notice of appeal to the United States Court of Appeals for the Eleventh Circuit. "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." <i>Griggs v. Provident Consumer Disc. Co.</i>, 459 U.S. 56, 58 (1982). Because this Court lacks jurisdiction to hear the motion, it is hereby DISMISSED. Plaintiff Melanie Ross ("Ross") filed a Notice of Appeal (Doc. 68) in this case on April 30, 2007. Immediately thereafter, Ross filed a "Motion to Stay the Docketing of the Appeal and for an Extension of Time for Filing of the Notice of Appeal" (Doc. 69). However, the United States Court of Appeals for the Eleventh Circuit has held that "[t]he 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." <i>United States v. Tovar-Rico</i>, 61 F.3d 1529, 1532 (11th Cir. 1995)(quoting <i>Griggs v. Provident Consumer Discount Co.</i>, 459 U.S. 56, 58 (1982)). Therefore, when Ross filed her Notice of Appeal, her case came exclusively within the jurisdiction of the Eleventh Circuit,*fn1 and this Court lost its discretion to entertain her motion for an extension of time. See, e.g. <i>Shivers v. Hill</i>, 205 Fed. Appx. 788, 789 (11th Cir. 2006). Accordingly, the "Motion to Stay the Docketing of the Appeal and for an Extension of Time for Filing of the Notice of Appeal" (Doc. 69) filed by Ross is dismissed for lack of jurisdiction.</p> <p>We next address the appeals from the confirmation order of July 15. Although the filing of a timely and sufficient notice of appeal "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," <i>Griggs v. Provident Consumer Discount Co.</i>, 459 U.S. 56, 58, 74 L. Ed. 2d 225, 103 S. Ct. 400 (1982) (per curiam), the filing of a notice of appeal from an order that is not appealable does not divest the district court of such jurisdiction. See, e.g., <i>Doucet v. Gulf Oil Corp.</i>, 783 F.2d 518, 526 (5th Cir.), cert. denied, 479 U.S. 883, 107 S. Ct. 272, 93 L. Ed. 2d 249 (1986), <i>Ore &amp; Chem. Corp v. Stinnes Interroll, Inc.</i>, 611 F. Supp. 237, 239 (S.D.N.Y. 1985).</p>
<p>Ross v. Corp. of Mercer University, No. 5:05-cv-13 (M.D.Ga. 05/02/2007)</p>	<p>Jurisdiction is in Court of Appeals</p>	<p>We next address the appeals from the confirmation order of July 15. Although the filing of a timely and sufficient notice of appeal "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," <i>Griggs v. Provident Consumer Discount Co.</i>, 459 U.S. 56, 58, 74 L. Ed. 2d 225, 103 S. Ct. 400 (1982) (per curiam), the filing of a notice of appeal from an order that is not appealable does not divest the district court of such jurisdiction. See, e.g., <i>Doucet v. Gulf Oil Corp.</i>, 783 F.2d 518, 526 (5th Cir.), cert. denied, 479 U.S. 883, 107 S. Ct. 272, 93 L. Ed. 2d 249 (1986), <i>Ore &amp; Chem. Corp v. Stinnes Interroll, Inc.</i>, 611 F. Supp. 237, 239 (S.D.N.Y. 1985).</p>
<p>Securities and Exchange Commission v. American Board of Trade Inc., 829 F.2d 341 (2nd Cir. 09/22/1987)</p>	<p>Jurisdiction is in Court of Appeals</p>	<p>We next address the appeals from the confirmation order of July 15. Although the filing of a timely and sufficient notice of appeal "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," <i>Griggs v. Provident Consumer Discount Co.</i>, 459 U.S. 56, 58, 74 L. Ed. 2d 225, 103 S. Ct. 400 (1982) (per curiam), the filing of a notice of appeal from an order that is not appealable does not divest the district court of such jurisdiction. See, e.g., <i>Doucet v. Gulf Oil Corp.</i>, 783 F.2d 518, 526 (5th Cir.), cert. denied, 479 U.S. 883, 107 S. Ct. 272, 93 L. Ed. 2d 249 (1986), <i>Ore &amp; Chem. Corp v. Stinnes Interroll, Inc.</i>, 611 F. Supp. 237, 239 (S.D.N.Y. 1985).</p>

Jurisdiction is in Court of Appeals

<p>The general rule when a party files an interlocutory appeal is that "[t]he filing of a notice of appeal . . . 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." <i>Griggs v. Provident Consumer Discount Co.</i>, 459 U.S. 56, 58 (1982). "When one aspect of a case is before the appellate court on interlocutory review, the district court is divested of jurisdiction over that aspect of the case. A district court does not have the power to alter the status of the case as it rests before the Court of Appeals." <i>Green Leaf Nursery v. E.I. Du Pont de Nemours</i>, 341 F.3d 1292, 1309 (11th Cir. 2003) (quoting <i>Dayton Indep. Sch. Dist. v. U.S. Mineral Prods. Co.</i>, 906 F.2d 1059, 1063 (5th Cir. 1990)). Of course, the district court retains jurisdiction "to proceed forward with portions of the of the case not related to the claims on appeal. . . ." <i>Id.</i> (quoting <i>May v. Sheahan</i>, 226 F.3d 876, 880 n.2 (7th Cir. 2000)). Federal Rule of Civil Procedure 62(c) provides an exception to this general rule. <i>Pacific Ins. Co. v. Gen. Dev. Corp.</i>, 28 F.3d 1093, 1096 n.7 (11th Cir. 1994). Rule 62(c) provides as follows: When an appeal is taken from an interlocutory . . . judgment granting, dissolving, or denying an injunction, the court in its discretion may suspend, modify, restore, or grant an injunction during the pendency of the appeal upon such terms as to bond or otherwise as it considers proper for the security of the rights of the adverse party. <i>Id.</i> "Courts have interpreted Rule 62(c) to allow a district court to modify an injunction that has been appealed only to the extent necessary to maintain the status quo, and the modification cannot be such that it moots the appeal and divests the appellate court of jurisdiction" or otherwise alters the scope of appellate review. <i>Sammons v. Polk County Sch. Bd.</i>, No. 08-04-cv-2657-T24EAJ, 2006 WL 82606, *2 (M.D. Fla. Jan. 12, 2006); see also <i>The Coastal Corp. v. Tex. Eastern Corp.</i>, 869 F.2d 817, 819-20 (5th Cir. 1989) (collecting cases).</p>	<p>Jurisdiction is in Court of Appeals</p>	<p>It is well established that "[t]he filing of a notice of appeal . . . 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." <i>Griggs v. Provident Consumer Discount Co.</i>, 459 U.S. 56, 58 (1982). *fn1 Likewise, a notice of appeal from an unappealable order does not deprive the district court of jurisdiction. See <i>United States v. Rodgers</i>, 101 F.3d 247, 251-52 (2d Cir. 1996); <i>Ruby v. Secretary of United States Navy</i>, 365 F.2d 385, 389 (9th Cir. 1966). Exceptions to the rule in <i>Griggs</i> allow the district court to retain jurisdiction to issue orders staying, modifying, or granting injunctive relief, to review applications for attorney's fees, to direct the filing of supersedeas bonds, to correct clerical mistakes, and to issue orders affecting the record on appeal and the granting or vacating of bail. See <i>Bensalem Township v. International Surplus Lines Ins. Co.</i>, 38 F.3d 1303, 1314 &amp; n.9 (3d Cir. 1994) (describing some exceptions to general rule). <i>Mary Ann Pensiero, Inc. v. Lingle</i>, 847 F.2d 90, 97 (3d Cir. 1988) (same); see also <i>Fed. R. App. P. 7-11</i>; <i>Fed. R. Civ. P. 60(a)</i>; <i>Gillis v. Hoechst Celanese Corp.</i>, 4 F.3d 1137, 1139 n.1 (3d Cir. 1993) (holding that appellant was not required to file second notice of appeal from order making corrections of clerical nature to final order); <i>Showtime/The Movie Channel, Inc. v. Covered Bridge Condo. Ass'n</i>, 895 F.2d 711, 713 (11th Cir. 1990) (delineating exceptions such as the "authority to act in aid of the appeal, to correct clerical mistakes or to aid in the execution of a judgment that has not been superseded").</p>
<p><i>Securities and Exchange Commission v. Kirkland</i>, No. 6:06-cv-183-Orl-28KRS (M.D.Fla. 11/16/2006)</p>	<p>Jurisdiction is in Court of Appeals</p>	
<p><i>Seminole Tribe Of Florida v. Florida</i>, 517 U.S. 44 (U.S. 03/27/1996)</p>	<p>Jurisdiction is in Court of Appeals</p>	
<p><i>Sheet Metal Workers' International Association Local 19 v. Herre Bros., Inc.</i>, 198 F.3d 391 (3d Cir. 12/30/1999)</p>	<p>Jurisdiction is in Court of Appeals</p>	

Jurisdiction is in Court of Appeals

<p>Shewchun v. United States, 797 F.2d 941 (11th Cir. 08/26/1986)</p>	<p>Jurisdiction is in Court of Appeals</p>	<p>It is the general rule of this Circuit that the filing of a timely and sufficient notice of appeal acts to divest the trial court of jurisdiction over the matters at issue in the appeal, except to the extent that the trial court must act in aid of the appeal. <i>United States v. Hitchmon</i>, 602 F.2d 689, 692 (5th Cir.1979) (en banc). More specifically, it is settled that during the pendency of an appeal the trial court is without authority to modify a sentence meted out after final judgment. <i>Berman v. United States</i>, 302 U.S. 211, 214, 58 S. Ct. 164, 166, 82 L. Ed. 204 (1932); <i>United States v. Russell</i>, 776 F.2d 955, 956 (11th Cir.1985) (per curiam); <i>United States v. Garrett</i>, 583 F.2d 1381, 1391 (5th Cir.1978). Thus the trial court was correct in declining to pass on the merits of appellant's motion to correct his putatively invalid sentence. Upon reflection, we believe that the rule announced by the court en banc in <i>Hitchmon</i> is properly extended to the facts of this case. That court and others have stated in exceptionally expansive language that the filing of an appeal of virtually any sort acts to freeze all proceedings in the district court pending resolution of the appeal. As the former Fifth Circuit there stated, upon filing an appeal "the district court is divested of jurisdiction to take any action with regard to the matter except in aid of the appeal." 602 F.2d at 692 (emphasis ours); accord <i>Griggs v. Provident Consumer Discount Co.</i>, 459 U.S. 56, 58, 103 S. Ct. 400, 402, 74 L. Ed. 2d 225 (1982) (per curiam) ("a federal district court and a federal court of appeals should not attempt to assert jurisdiction over a case simultaneously. 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.")</p>
<p>Shivers v. Hill, 205 Fed.Appx. 788 (11th Cir. 11/14/2006)</p>	<p>Jurisdiction is in Court of Appeals</p>	<p>Based on the language from the court's order, it was not denying the motion because it was untimely; rather, it was merely stating that it lacked jurisdiction to consider a motion for an extension of time to appeal where the case was already on appeal and within this court's jurisdiction. We have held that "[t]he 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." <i>United States v. Tovar-Rico</i>, 61 F.3d 1529, 1532 (11th Cir. 1995)(quoting <i>Griggs v. Provident Consumer Discount Co.</i>, 459 U.S. 56, 58, 103 S.Ct. 400, 402 (1982)(per curiam)). <i>Shivers</i> notice of appeal filed on December 6, 2005 divested the district court of jurisdiction over the matters brought on appeal. This case remained in this court until January 12, 2006, when we ordered the dismissal of the appeal filed on December 6, 2005 because it was untimely. During this period, the case was exclusively within our jurisdiction, and the district court had no discretion to entertain the motion for an extension filed on January 5, 2006. The court properly dismissed the motion for lack of jurisdiction.</p>
<p>Showtime/The Movie Channel Inc. v. Covered Bridge Condominium Association Inc., 895 F.2d 711 (11th Cir. 01/10/1990)</p>	<p>Jurisdiction is in Court of Appeals</p>	<p>"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." <i>Griggs v. Provident Consumer Discount Co.</i>, 459 U.S. 56, 58, 103 S. Ct. 400, 401, 74 L. Ed. 2d 225, 228 (1982); <i>Mairrese v. American Academy of Orthopaedic Surgeons</i>, 470 U.S. 373, 379, 105 S. Ct. 1327, 1331, 84 L. Ed. 2d 274, 281 (1985); <i>reh'g denied</i>, 471 U.S. 1062, 105 S. Ct. 2127, 85 L. Ed. 2d 491 (1985). The district court retains only the authority to act in aid of the appeal, to correct clerical mistakes or to aid in the execution of a judgment that has not been superseded. See e.g., <i>Matter of Thorp</i>. 655 F.2d 997 (9th Cir. 1981).</p>

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<p>The Supreme Court has interpreted "pending" for purposes of the federal Antiterrorism and Effective Death Penalty Act of 1996 to "cover the time between a lower state court's decision and the filing of a notice of appeal to a higher state court." <i>Carey v. Saffold</i>, 536 U.S. 214, 217 (2002). This interpretation is supported by the principle that it is upon the filing of a notice of appeal that "jurisdiction over the matter being appealed normally transfers from the district court to the appeals court." <i>Mayweathers v. Newland</i>, 258 F.3d 930, 935 (9th Cir. 2001); see also <i>Griggs v. Provident Consumer Discount Co.</i>, 459 U.S. 56, 58 (1982) (per curiam) ("The filing of a notice of appeal 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.")</p>	<p>Singh v. Gonzales, 491 F.3d 1090 (9th Cir. 06/25/2007)06/25/2007</p>	<p>jurisdiction is in Court of Appeals</p>	<p>Our analysis of this question begins with the axiomatic premise that "a federal district court and a court of appeals should not attempt to assert jurisdiction over a case simultaneously. 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." <i>Griggs v. Provident Consumer Discount Co.</i>, 459 U.S. 56, 58, 74 L. Ed. 2d 225, 103 S. Ct. 400 (1982) (per curiam). See <i>Marrese v. American Academy of Orthopaedic Surgeons</i>, 470 U.S. 373, 379, 105 S. Ct. 1327, 84 L. Ed. 2d 274 (1985).</p>
<p>"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." <i>Griggs v. Provident Consumer Disc. Co.</i>, 459 U.S. 56, 58 (1982) (per curiam); see, e.g., <i>Shewchun v. United States</i>, 797 F.2d 941, 942 (11th Cir. 1986) (per curiam) ("it is the general rule of this Circuit that the filing of a timely and sufficient notice of appeal acts to divest the trial court of jurisdiction over the matters . . . in the appeal, except to the extent that the trial court must act in aid of the appeal.")</p>	<p>Stewart v. Donges, 915 F.2d 572 (10th Cir. 09/17/1990)</p>	<p>jurisdiction is in Court of Appeals</p>	<p>As explained by the United States Supreme Court, "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." <i>Griggs v. Provident Consumer Disc. Co.</i>, 459 U.S. 56, 58 (1982). Jurisdiction does not return to the district court until the appellate court issues a remand. See <i>Mahone v. Ray</i>, 326 F.3d 1176, 1180 (11th Cir. 2003) (explaining this jurisdictional issue when a motion is filed under Federal Rule of Civil Procedure 60(b) in the district court after a notice of appeal has been filed). In addition, an appellate court may issue a limited remand in which it retains jurisdiction over the appeal and directs the district court to make limited findings or clarify the record in some way. <i>United States v. Theriault</i>, 526 F.2d 698, 699-700 (5th Cir. 1976)*fn 1.; accord <i>Midway Mfg. Co. v. Kruckenberg</i>, 779 F.2d 624, 626 (11th Cir. 1986).</p>
<p>With the exception of one allegation, we do not consider the merits of the Berg Defendants' second motion for sanctions because the district court did not have jurisdiction to consider that motion. As noted, the Berg Defendants filed their second motion after they had already filed a Notice of Appeal from denial of their first motion for sanctions. "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." <i>Griggs v. Provident Consumer Discount Co.</i>, 459 U.S. 56, 58, 74 L. Ed. 2d 225, 103 S. Ct. 400 (1982)</p>	<p>Thompson v. Carrier Corp., No. 3:06-CV-90 (M.D.Ga. 10/21/2009)</p>	<p>jurisdiction is in Court of Appeals</p>	<p>With the exception of one allegation, we do not consider the merits of the Berg Defendants' second motion for sanctions because the district court did not have jurisdiction to consider that motion. As noted, the Berg Defendants filed their second motion after they had already filed a Notice of Appeal from denial of their first motion for sanctions. "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." <i>Griggs v. Provident Consumer Discount Co.</i>, 459 U.S. 56, 58, 74 L. Ed. 2d 225, 103 S. Ct. 400 (1982)</p>
<p>Trolley Boats, LLC v. City of Holly Hill, No. 6:07-cv-1027-Orl-19GJK (M.D.Fla. 06/01/2009)</p>	<p>Trullis v. Barton, 107 F.3d 685, 67 F.3d 779, 95 Cal. Daily Op. Serv. 7528, 36 Fed.R.Serv.3d 1422, 97 Cal. Daily Op. Serv. 1296 (9th Cir. 09/27/1995)</p>	<p>jurisdiction is in Court of Appeals</p>	<p>jurisdiction is in Court of Appeals</p>

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<p>Pursuant to 18 U.S.C. § 3731, the government filed a timely notice of appeal of the district court's order suppressing the evidence found by the warrantless search of unit 901. In the usual case, with limited exceptions not present here, the filing of a notice of appeal divests the district court of jurisdiction over the aspects of the case involved in the appeal. "[A] federal district court and a federal court of appeals should not attempt to assert jurisdiction over a case simultaneously. 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 the aspects of the case involved in the appeal." <i>Griggs v. Provident Consumer Discount Co.</i>, 459 U.S. 56, 58, 103 S. Ct. 400, 402, 74 L. Ed. 2d 225 (1982) (per curiam). See also <i>United States v. Vicaria</i>, 963 F.2d 1412, 1415 (11th Cir.), cert. denied, U.S., 113 S. Ct. 596, 121 L. Ed. 2d 534 (1992); <i>United States v. Mavrokordatos</i>, 933 F.2d 843, 846 (10th Cir.1991); <i>United States v. Prows</i>, 888 F.2d 100, 101 (11th Cir.1989); <i>Shewchun v. United States</i>, 797 F.2d 941, 942 (11th Cir.1986); <i>United States v. Rogers</i>, 788 F.2d 1472, 1475 (11th Cir.1986). This serves to avoid the confusion and waste of time that would result from dual jurisdiction. <i>Shewchun</i>, 797 F.2d at 943.</p>	<p>jurisdiction is in Court of Appeals</p>	<p>U.S. v. Tovar-Rico, 61 F.3d 1529 (11th Cir. 08/28/1995)</p>
<p>While the district court did enter a judgment in favor of the Government, Airt almost immediately divested the district court of jurisdiction when he filed his notice of appeal in \$405,089.23 ; in so doing, he prevented the Government from doing anything which would interfere with our proceedings -- including executing its judgment. <i>United States v. Bracy</i>, 67 F.3d 1421, 1428 (9th Cir. 1995) (citing <i>Griggs v. Provident Consumer Discount Co.</i>, 459 U.S. 56, 58, 74 L. Ed. 2d 225, 103 S. Ct. 400 (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."). Throughout this litigation, then, the Government has essentially held Airt's property in escrow -- an escrow that will end when our mandate finally issues.</p>	<p>jurisdiction is in Court of Appeals</p>	<p>United States v. Airt, 85 F.3d 638 (9th Cir. 05/15/1996) United States v. Bali, 734 F.2d 965, 965 n.1 (4th Cir. 1984)</p>
<p>"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." <i>Griggs v. Provident Consumer Discount Co.</i>, 459 U.S. 56, 58, 74 L. Ed. 2d 225, 103 S. Ct. 400 (1982); see also <i>United States v. Ortega-Lopez</i>, 988 F.2d 70, 72 (9th Cir. 1993). It defies logic to suggest that Garfinkle waived a claim by not raising it before a court that lacked jurisdiction to consider it.</p>	<p>jurisdiction is in Court of Appeals</p>	<p>United States v. Bracy, 67 F.3d 1421 (9th Cir. 10/12/1995)</p>
<p>See <i>Griggs v. Provident Consumer Discount Co.</i>, 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."). Because the government lodged the appeal, in proper form, prior to jury empanelment, the appeal is timely and falls within the appellate jurisdiction conferred by 18 U.S.C. § 3731. See <i>United States v. Mavrokordatos</i>, 933 F.2d 843, 846 (10th Cir. 1991)</p>	<p>jurisdiction is in Court of Appeals</p>	<p>United States v. Brooks, 145 F.3d 446 (1st Cir. 06/05/1998)</p>
<p>"[I]t is generally understood that a federal district court and a federal court of appeals should not attempt to assert jurisdiction over a case simultaneously. 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." (citations omitted); <i>United States v. Perate</i>, 719 F.2d 706, 711 (4th Cir. 1983) (filing of notice of appeal terminated the district court's jurisdiction over the case); cf. <i>United States v. Bali</i>, 734 F.2d 965, 965 n.1 (4th Cir. 1984) (district court is without jurisdiction to consider motions submitted after the appeal was filed), vacated on other grounds, 470 U.S. 856, 84 L. Ed. 2d 740, 105 S. Ct. 1668 (1985).</p>	<p>jurisdiction is in Court of Appeals</p>	<p>United States v. Christy, 3 F.3d 765 (4th Cir. 09/01/1993)</p>

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<p>United States v. Clark, No. CR495-123 (S.D.Ga. 10/03/2008)</p>	<p>Jurisdiction is in Court of Appeals</p>	<p>On July 31, 2008, Defendant filed a Notice of Appeal from this Court's Order Granting in Part Defendant's Motion to Reduce Sentence. (Doc. 1051.) On August 7, 2008, Defendant filed his Motion for Reconsideration. However, due to the earlier Notice of Appeal, this Court lacks jurisdiction to hear Defendant's Motion for Reconsideration. <i>United States v. Tovar-Rico</i>, 61 F.3d 1529, 1532 (11th Cir. 1995) (quoting <i>Griggs v. Provident Consumer Disc. Co.</i>, 459 U.S. 56, 58 (1982) (per curiam)) ("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 the aspects of the case involved in the appeal."). As a result, Defendant's Motion for Reconsideration must be DENIED) It makes little sense for an appeal to lie in this court, the government argues, if the trial court may modify the judgment appealed from. Moreover, if the notice of appeal is truly valid, it should deprive the district court of jurisdiction to decide the pending motion. See <i>Griggs v. Provident Consumer Discount Co.</i>, 459 U.S. 56, 58, 74 L. Ed. 2d 225, 103 S. Ct. 400 (1982) (per curiam) ("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. . . ."). The cleanest way to resolve these problems, the government contends, is to apply to criminal appeals the same rule that prevails in civil cases under Rule 4(a)(4).</p>
<p>United States v. Cortes, 895 F.2d 1245 (9th Cir. 02/08/1990)</p>	<p>Jurisdiction is in Court of Appeals</p>	<p>Filing 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." <i>Griggs v. Provident Consumer Discount Co.</i>, 459 U.S. 56, 58 (1982). Accord <i>Stewart v. Dinges</i>, 915 F.2d 572, 575 (10th Cir. 1990). Thus, a district court generally loses its jurisdiction once a case is appealed. There is, however, an exception to this general rule. Fed. R. Crim. P. 36 permits a district court to correct a clerical mistake. . . . the trial court concluded properly that upon Craig's filing a notice of appeal of the order denying his request for a new trial, it lacked jurisdiction to entertain his motion for reconsideration of that denial. See <i>Griggs v. Provident Consumer Discount Co.</i>, 459 U.S. 56, 58, 74 L. Ed. 2d 225, 103 S. Ct. 400 (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").</p>
<p>United States v. Costelon, 931 F.2d 63 (10th Cir. 04/17/1991)</p>	<p>Jurisdiction is in Court of Appeals</p>	<p>The district court lacked jurisdiction to reconsider the sentence it imposed once the defendant had filed his notice of appeal. "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." <i>Griggs v. Provident Consumer Discount Co.</i>, 459 U.S. 56, 58 (1982) (per curiam). The general rule provides the filing of a direct appeal divests the trial court of jurisdiction over Rule 35(a) motions. <i>United States v. Ortega-Lopez</i>, No. 92-50054, slip op. 5379, 5383 (9th Cir. May 28, 1993). See also <i>United States v. Prows</i>, 888 F.2d 100, 101 (11th Cir. 1989); <i>United States v. Cook</i>, 890 F.2d 672, 674-675 (4th Cir. 1989).</p>
<p>United States v. Craig, 103 F.3d 141 (9th Cir. 11/06/1996)</p>	<p>Jurisdiction is in Court of Appeals</p>	<p>The district court lacked jurisdiction to reconsider the sentence it imposed once the defendant had filed his notice of appeal. "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." <i>Griggs v. Provident Consumer Discount Co.</i>, 459 U.S. 56, 58 (1982) (per curiam). The general rule provides the filing of a direct appeal divests the trial court of jurisdiction over Rule 35(a) motions. <i>United States v. Ortega-Lopez</i>, No. 92-50054, slip op. 5379, 5383 (9th Cir. May 28, 1993). See also <i>United States v. Prows</i>, 888 F.2d 100, 101 (11th Cir. 1989); <i>United States v. Cook</i>, 890 F.2d 672, 674-675 (4th Cir. 1989).</p>
<p>United States v. Crowell, 996 F.2d 1228 (9th Cir. 01/05/1993)</p>	<p>Jurisdiction is in Court of Appeals</p>	<p>The district court lacked jurisdiction to reconsider the sentence it imposed once the defendant had filed his notice of appeal. "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." <i>Griggs v. Provident Consumer Discount Co.</i>, 459 U.S. 56, 58 (1982) (per curiam). The general rule provides the filing of a direct appeal divests the trial court of jurisdiction over Rule 35(a) motions. <i>United States v. Ortega-Lopez</i>, No. 92-50054, slip op. 5379, 5383 (9th Cir. May 28, 1993). See also <i>United States v. Prows</i>, 888 F.2d 100, 101 (11th Cir. 1989); <i>United States v. Cook</i>, 890 F.2d 672, 674-675 (4th Cir. 1989).</p>



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	<p>As a general rule with only limited exceptions, entry of a notice of appeal divests the district court of jurisdiction to adjudicate any matters related to the appeal. See <i>United States v. Wells</i>, 766 F.2d 12, 19 (1st Cir. 1985); <i>Spourd v. Mohasco Indus., Inc.</i>, 534 F.2d 404, 411 (1st Cir.), cert. denied, 429 U.S. 886, 97 S. Ct. 238, 50 L. Ed. 2d 167, 191 U.S.P.Q. (BNA) 407 (1976). As the Supreme Court has stated, "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." <i>Griggs v. Provident Consumer Discount Co.</i>, 459 U.S. 56, 58, 103 S. Ct. 400, 402, 74 L. Ed. 2d 225 (1982) (per curiam); see also <i>United States v. Edwards</i>, 800 F.2d 878, 883 (9th Cir. 1986); <i>United States v. Holloway</i>, 740 F.2d 1373, 1382 (6th Cir.), cert. denied, 469 U.S. 1021, 105 S. Ct. 440, 83 L. Ed. 2d 366 (1984); 9 J. Moore, B. Ward &amp; J. Lucas, <i>Moore's Federal Practice</i>, para. 203.11 at 3-44.</p>
<p><i>United States v. Distasio</i>, 820 F.2d 20 (1st Cir. 06/08/1987)</p>	<p>"[A] federal district court and a federal court of appeals should not attempt to assert jurisdiction over a case simultaneously. 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." <i>Griggs v. Provident Consumer Discount Co.</i>, 459 U.S. 56, 58, 74 L. Ed. 2d 225, 103 S. Ct. 400 (1982) (per curiam). This rule applies with equal force to criminal cases. See <i>Berman v. United States</i>, 302 U.S. 211, 214, 82 L. Ed. 204, 58 S. Ct. 164 (1937).</p>
<p><i>United States v. Dwight H. Ledbetter</i>, 882 F.2d 1345 (8th Cir. 08/22/1989)</p>	<p>The effective filing of a notice of appeal is an event of jurisdictional significance. <i>Griggs v. Provident Consumer Discount Co.</i>, 459 U.S. 56, 58, 74 L. Ed. 2d 225, 103 S. Ct. 400 (1982) (per curiam); see <i>Doyle v. United States</i>, 721 F.2d 1195, 1197 (9th Cir. 1983). "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." <i>Griggs</i>, 459 U.S. at 58. Thus, findings of fact may ordinarily not be modified while an appeal is pending concerning them. <i>Barber v. United States</i>, 711 F.2d 128, 130 (9th Cir. 1983); see <i>Flynt Distributing Co. v. Harvey</i>, 734 F.2d 1389, 1395 n.3 (9th Cir. 1984).</p>
<p><i>United States v. Edwards</i>, 800 F.2d 878 (9th Cir. 03/28/1986)</p>	<p>A federal district court and a federal court of appeals should not attempt to assert jurisdiction over a case simultaneously. <i>Griggs v. Provident Consumer Discount Co.</i>, 459 U.S. 56, 58, 103 S.Ct. 400, 402, 74 L.Ed.2d 225 (1982). A district court does not have the power to "alter the status of the case as it lies before the Court of Appeals." <i>Coastal Corp. v. Texas Eastern Corp.</i>, 869 F.2d 817, 820-21 (5th Cir. 1990). 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. <i>Griggs</i>, 459 U.S. at 58, 103 S.Ct. at 402, 74 L.Ed.2d 225.</p>
<p><i>United States v. Funds Described in "Attachment a" to The Complaint for Forfeiture in Rem</i>, No. 6:05-cv-916-Orl-31KRS (M.D.Fla. 02/19/2008).</p>	<p>We reject the government's argument that the district court lost jurisdiction over the action when the government filed its notice of appeal pursuant to 18 U.S.C. § 3731 to challenge the exclusionary order. In the usual circumstance, "the filing of a notice of appeal . . . 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." <i>Griggs v. Provident Consumer Discount Co.</i>, 459 U.S. 56, 58, 74 L. Ed. 2d 225, 103 S. Ct. 400 (1982) (per curiam). Section 3731 appeals, however, are not usual. As we previously observed, a district court retains "the naked power, in appropriate cases, to dismiss an indictment" while a section 3731 appeal from a pretrial order is pending. <i>United States v. Emens</i>, 565 F.2d 1142, 1144 (9th Cir. 1977), citing <i>United States v. Cox</i>, 475 F.2d 837, 841 (9th Cir. 1973) (upholding dismissal of indictment pending appeal of suppression order). We believe this to be a sound policy.</p>
<p><i>United States v. Gatto</i>, 763 F.2d 1040 (9th Cir. 06/14/1985)</p>	<p>Jurisdiction is in Court of Appeals</p>

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<p>United States v. Graham, No. 06-8092 (10th Cir. 09/26/2007)</p>	<p>jurisdiction is in Court of Appeals</p>	<p>we conclude that the district court did not have jurisdiction to deny Mr. Graham's Rule 60(b) motion on this, or any, basis. "The filing of a notice of appeal [pursuant to Federal Rules of Appellate Procedure 3] 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." Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 58 (1982) (per curiam); United States v. Meyers, 95 F.3d 1475, 1489 n.6 (10th Cir. 1996). Further, Rule 60(b) is not an independent source of jurisdiction. United States v. Ramirez, 211 Fed. Appx. 712, 714 (10th Cir. 2007) (unpublished); United States v. Triplett, 166 Fed. Appx. 362, 365-66 (10th Cir. 2006) (unpublished).</p>
<p>United States v. Hogan, 181 Fed.Appx. 803 (11th Cir. 05/17/2006)</p>	<p>jurisdiction is in Court of Appeals</p>	<p>United States v. Tovar-Rico, 61 F.3d 1529, 1532 (11th Cir. 1995). Generally, "the filing of a notice of appeal divests the district court of jurisdiction over the aspects of the case involved in the appeal." Id. The Supreme Court has explained that general rule: A) federal district court and a federal court of appeals should not attempt to assert jurisdiction over a case simultaneously. 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. Griggs v. Provident Consumer Disc. Co., 459 U.S. 56, 58, 103 S.Ct. 400, 402 (1982).</p>
<p>United States v. Holloway, 740 F.2d 1373 (6th Cir. 08/02/1984)</p>	<p>jurisdiction is in Court of Appeals</p>	<p>It is well settled that the filing of the notice of appeal with the district court clerk deprives the district court of jurisdiction to act in matters involving the merits of the appeal. As the Supreme Court has recently stated, it is, generally understood that a federal district court and a federal court of appeals should not attempt to assert jurisdiction over a case simultaneously. The filing of a notice of appeal is an event of jurisdiction 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. Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 103 S. Ct. 400, 402, 74 L. Ed. 2d 225 (1982) (per curiam). The only recognized exceptions to this rule allow a district court to enter remedial orders not affecting the merits of the appeal, such as orders granting bail to a successful habeas petitioner, see Jago v. United States District Court, 570 F.2d 618 (6th Cir. 1978), and to proceed with a case when the notice of appeal is from a patently nonappealable order, see Cochran v. Birkel, 651 F.2d 1219 (6th Cir. 1981), cert. denied, 454 U.S. 1152, 71 L. Ed. 2d 307, 102 S. Ct. 1020 (1982).</p>
<p>United States v. Irez, 211 Fed.Appx. 712 (10th Cir. 01/02/2007)</p>	<p>jurisdiction is in Court of Appeals</p>	<p>Moreover, given that an appeal of Ramirez's conviction and sentence is currently pending in this Court, the district court has already been divested of jurisdiction over related issues and Rule 60 cannot be used to circumvent a failure of jurisdiction. United States v. Prows, 448 F.3d 1223, 1228 (10th Cir. 2006). See also Griggs v. Provident Consumer Discount 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.").</p>
<p>United States v. McHugh, 528 F.3d 538 (7th Cir. 06/12/2008)</p>	<p>jurisdiction is in Court of Appeals</p>	<p>Second, a district court may not interfere with this court's jurisdiction by amending a decision that is under appellate review. "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." Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 58 (1982). A district court may patch up clerical errors affecting one aspect of a case while another aspect is on appeal. See United States v. McGee, 981 F.2d 271 (7th Cir. 1992). But neither McGee nor any other opinion that we have been able to find allows a district court to use Rule 36 to change the precise feature of a disposition that is under appellate review. Only one court at a time has jurisdiction over a subject.</p>

## Jurisdiction is in Court of Appeals

United States v. Montgomery, 262 F.3d 233 (4th Cir. 07/17/2001)	Jurisdiction is in Court of Appeals	Ordinarily, an appeal "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. A district court does not regain jurisdiction until the issuance of the mandate by the clerk of the court of appeals." United States v. Rodgers, 101 F.3d 247, 251 (2d Cir. 1996) (citations and internal quotation marks omitted); see also <i>Alphin v. Henson</i> , 552 F.2d 1033, 1035 (4th Cir. 1977). 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 the aspects of the case involved in the appeal. . . . This serves to avoid the confusion and waste of time that would result from dual jurisdiction. <i>Tovar-Rico</i> , 61 F.3d at 1532 (quotations and citations omitted). Yet, as <i>Tovar-Rico</i> suggests, certain exceptions to this rule exist. For example, the former Fifth Circuit held that the filing of a notice of appeal divests the district court "of jurisdiction to take any action with regard to the matter except in aid of the appeal." <i>United States v. Hitchmon</i> , 602 F.2d 689, 692 (5th Cir. 1979) (en banc) (emphasis added), superseded by statute on other grounds, <i>Comprehensive Crime Control Act of 1984</i> , Pub. L. No. 98-473, as recognized in <i>United States v. Martinez</i> , 763 F.2d 1297, 1308 & n.11 (11th Cir. 1985).
United States v. Noblitt, No. 08-17190 (11th Cir. 09/01/2009)	Jurisdiction is in Court of Appeals	The filing of a notice of appeal "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." <i>Griggs v. Provident Consumer Discount Co.</i> , 459 U.S. 56, 58, 74 L. Ed. 2d 225, 103 S. Ct. 400, (1982).
United States v. Ortega-Lopez, 988 F.2d 70 (9th Cir. 03/03/1993)	Jurisdiction is in Court of Appeals	A judgment of conviction that includes a sentence of imprisonment is a final judgment, notwithstanding the fact that the sentence may be modified subsequently pursuant to Rule 35. See 18 U.S.C. § 3582(b), (c). Moreover, "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." <i>Griggs v. Provident Consumer Discount Co.</i> , 459 U.S. 56, 58, 74 L. Ed. 2d 225, 103 S. Ct. 400 (1982). The district court sentenced Pearson to prison; accordingly the judgment entered by the district court is final. Because Pearson filed a notice of appeal, we have jurisdiction and the district court lacks jurisdiction to decide the pending Rule 35(b) motion. See <i>id.</i> ; see also <i>United States v. Ortega-Lopez</i> , 988 F.2d 70, 72 (9th Cir. 1993) (district court without jurisdiction to entertain Rule 35(a) motion after notice of appeal filed). But see <i>Fed. R. App. P. 4(b)</i> (notice of appeal does not deprive district court of jurisdiction to decide Rule 35(c) motion; Rule 35(c) motion does not affect validity of notice of appeal).
United States v. Pearson, 34 F.3d 1074 (9th Cir. 08/26/1994)	Jurisdiction is in Court of Appeals	
United States v. Perate, 719 F.2d 706, 711 (4th Cir. 1983)	Jurisdiction is in Court of Appeals	
United States v. Peterson, No. 09-2196 (7th Cir. 10/06/2009)	Jurisdiction is in Court of Appeals	filing of notice of appeal terminated the district court's jurisdiction over the case Peterson's notice of appeal "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." <i>Griggs v. Provident Consumer Disc. Co.</i> , 459 U.S. 56, 58 (1982); <i>United States v. McHugh</i> , 528 F.3d 538, 540 (7th Cir. 2008).
		The divestiture of jurisdiction rule "is a judge made rule originally devised in the context of civil appeals to avoid confusion or waste of time resulting from having the same issues before the two courts at the same time." <i>United States v. Claiborne</i> , 727 F.2d 842, 850 (9th Cir.) (divestiture rule discussed in context of defendant's interlocutory vindictive prosecution appeal), cert. denied, 469 U.S. 829, 83 L. Ed. 2d 56, 105 S. Ct. 113 (1984). "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." <i>Griggs v. Provident Consumer Discount Co.</i> , 459 U.S. 56, 58, 74 L. Ed. 2d 225, 103 S. Ct. 400 (1982) (emphasis added). As <i>Griggs</i> and <i>Claiborne</i> indicate, the divestiture rule was created to prevent two courts from simultaneously considering the same issues in, or aspects of, a case.
United States v. Powell, 24 F.3d 28 (9th Cir. 05/12/1994)	Jurisdiction is in Court of Appeals	

## Jurisdiction is in Court of Appeals

United States v. Ransom, 866 F.2d 574 (2nd Cir. 01/30/1989)	jurisdiction is in Court of Appeals	A notice of appeal "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." <i>Griggs v. Provident Consumer Discount Co.</i> , 459 U.S. 56, 58, 74 L. Ed. 2d 225, 103 S. Ct. 400 (1982).
United States v. Reed, No. 1:88-cr-01007-MP-AK (N.D. Fla. 11/04/2008)	jurisdiction is in Court of Appeals	Due to the earlier filed notice of appeal, this Court is without jurisdiction to entertain the instant motion for reconsideration. See <i>United States v. Tovar-Rico</i> , 61 F.3d 1529, 1532 (11th Cir. 1995) (quoting <i>Griggs v. Provident Consumer Disc. Co.</i> , 459 U.S. 56, 58, 103 S.Ct. 400, 74 L.Ed.2d 225 (1982) (per curiam)) ("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 the aspects of the case involved in the appeal."). Defendant's motion for reconsideration, Doc. 1279, is therefore DENIED.
United States v. Rodgers, 101 F.3d 247 (2d Cir. 11/27/1996)	jurisdiction is in Court of Appeals	As a general matter, "[t]he 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." <i>Griggs v. Provident Consumer Discount Co.</i> , 459 U.S. 56, 58 (1982). A district court does not regain jurisdiction until the issuance of the mandate by the clerk of the court of appeals. <i>United States v. Rivera</i> , 844 F.2d 916, 921 (2d Cir. 1988) ("Simply put, jurisdiction follows the mandate.").
United States v. Sadler, 480 F.3d 932 (9th Cir. 03/01/2007)	jurisdiction is in Court of Appeals	Once a notice of appeal is filed, the district court loses jurisdiction over a case. <i>Griggs v. Provident Consumer Discount Co.</i> , 459 U.S. 56, 58 (1982) (per curiam) ("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."). The government therefore acted correctly by asserting its objection in our court rather than the district court.
United States v. Scarfo, 263 F.3d 80 (3d Cir. 08/27/2001)	jurisdiction is in Court of Appeals	Manno filed his notice of appeal on December 8, 2000. The Government argues that the notice of appeal was filed prematurely under Fed. R. App. Proc. 4(a)(2), and additionally because the District Court stated on December 6 that a written order would issue. The oral order possessed judicial force and effect; *fn6 it had teeth and had Manno violated it, he might have been subject to punishment even if the order had not yet been reduced to writing. That order's oral status does not alter its appealability as a collateral order. Manno did not file his notice of appeal prematurely; the notice of appeal was filed timely and it effected a closure of the District Court's jurisdiction over the gag order issue. See <i>Sheet Metal Workers' Int'l Assn. Local 19M v. Herre Bros, Inc.</i> , 198 F.3d 391, 393 (3d Cir. 1999) ("The filing of a notice of appeal 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.") (citations omitted).
United States v. Singletary, No. 5:08-CR-12 (M.D.Ga. 07/30/2009)	jurisdiction is in Court of Appeals	"The filing of a notice of appeal generally '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.'" In re Mosley, 494 F.3d 1320, 1328 (11th Cir. 2007). The Motion to Dismiss before the Court is therefore dismissed.
United States v. Torres-Oliveras, 583 F.3d 37 (1st Cir. 10/01/2009)	jurisdiction is in Court of Appeals	The government's argument is consistent with the general rule that "[t]he 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." <i>Griggs v. Provident Consumer Discount Co.</i> , 459 U.S. 56, 58 (1982). *fn7 However, this circuit and others have recognized limited exceptions to this judge-made rule. See, e.g., 16A Charles Alan Wright et al., <i>Federal Practice and Procedure</i> § 39:49.1 (4th ed. 2009); <i>United States v. Ortega</i> , 859 F.2d 327, 334-35 (5th Cir. 1988).
United States v. Trahan, No. 08-40862 (5th Cir. 06/05/2009)	jurisdiction is in Court of Appeals	See <i>Griggs v. Provident Consumer Discount Co.</i> , 459 U.S. 56, 58, 103 S.Ct. 400, 402 (1982) (filing of notice of appeal divests the district court of control over the aspects of the case involved in the appeal).

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<p>United States v. Turchen, 187 F.3d 735 (7th Cir. 08/11/1999)</p>	<p>Jurisdiction is in Court of Appeals</p>	<p>"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." <i>Griggs v. Provident Consumer Discount Co.</i>, 459 U.S. 56, 58 (1982); see also <i>United States v. Ienco</i>, 126 F.3d 1016, 1018 (7th Cir. 1997); <i>Kusay v. United States</i>, 62 F.3d 192, 193-94 (7th Cir. 1995). Once the notice of appeal has been filed, the district court lacks jurisdiction to rule on a Rule 35(b) motion. See <i>United States v. Bingham</i>, 10 F.3d 404, 405 (7th Cir. 1993) (per curiam); <i>United States v. Kerley</i>, 838 F.2d 932, 941 (7th Cir. 1988). The district court's granting of the government's Rule 35(b) motion impermissibly altered the very judgment this court is reviewing on appeal.</p>
<p>United States v. Vilfranc, No. 6:00-cr-59-Orl-19GJK (M.D. Fla. 06/05/2009)</p>	<p>Jurisdiction is in Court of Appeals</p>	<p>As explained by the United States Supreme Court, "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." <i>Griggs v. Vilfranc</i> appealed the Court's decision on the very same issue that Vilfranc raises for a second time in his Motion at Docket Number 439, the Court lacks jurisdiction to address the merits of the Motion.</p>
<p>United States v. Vitek Supply Corp., 151 F.3d 580 (7th Cir. 07/10/1998)</p>	<p>Jurisdiction is in Court of Appeals</p>	<p>"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." <i>Griggs v. Provident Consumer Discount Co.</i>, 459 U.S. 56, 58 (1982). See also, e.g., <i>Berman v. United States</i>, 302 U.S. 211, 214 (1937).</p>
<p>United States v. Weaver, No. 97-6443 (4th Cir. 08/18/1997)</p>	<p>Jurisdiction is in Court of Appeals</p>	<p>Absent extraordinary circumstances, courts traditionally decline to address Section(s) 2255 motions on the merits during the pendency of a direct appeal. See <i>Bowen v. Johnston</i>, 306 U.S. 19, 26-27 (1939). The subject case does not present exceptional circumstances warranting deviation from that rule. We accordingly deny a certificate of appealability and vacate the judgment of the district court. Although the district court attempted to withdraw this order via an order dated June 19, 1997, we find that the district court lacked jurisdiction to do so. See <i>United States v. Christy</i>, 3 F.3d 765, 767 (4th Cir. 1993) (explaining that timely filing of notice of appeal 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).</p>
<p>United States v. Wooden, No. 05-6944 (4th Cir. 04/13/2007)</p>	<p>Jurisdiction is in Court of Appeals</p>	<p>When Wooden filed his motions to reopen the case underlying appeal No. 04-6793 and for the district court to consider new issues on remand, jurisdiction over the case was in the court of appeals; the only issue before the district court by reason of our limited remand was a determination of the date on which Wooden gave his notice of appeal to prison officials so that we could determine whether Wooden's appeal in No. 04-6793 was timely noted. Thus, the district court lacked jurisdiction over the substance of the case. Lacking jurisdiction, the district court was without authority to act on Wooden's motions which involved aspects of the case involved in the appeal. <i>United States v. Christy</i>, 3 F.3d 765, 767-68 (4th Cir. 1993); see <i>Griggs v. Provident Consumer Disc. Co.</i>, 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."). Thus, we affirm the district court's denial of these motions on the alternate ground that the court lacked jurisdiction over the issues. See <i>United States v. Smith</i>, 395 F.3d 516, 518-19 (4th Cir. 2005) ("We are not limited to evaluation of the grounds offered by the district court to support its decision, but may affirm on any grounds apparent from the record.").</p>

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United Teacher additionally claims that the district court lacked jurisdiction to grant further relief because United Teacher filed its appeal of the district court's judgment before Union/USA filed its motion for further relief. This argument also fails. Courts that have addressed when a motion for further relief may be brought under § 2202 have consistently held that neither the filing of an appeal nor a lengthy delay after the trial court's initial ruling terminates the court's authority to grant further relief pursuant to § 2202. See, e.g., Horn & Hadart Co. v. National Rail Passenger Corp., 843 F.2d at 548; McNally v. Am. States Ins. Co., 339 F.2d 186, 187-88 (6th Cir. 1964) (per curiam); Edward B. Marks Music Corp. v. Charles K. Harris Music Publ'g Co., 255 F.2d 518 (2d. Cir. 1958). The Supreme Court's decision in Griggs v. Provident Consumer Discount Co., 459 U.S. 59 (1982), does not undermine this conclusion. In Griggs, the Supreme Court held that "[t]he 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." Griggs, 459 U.S. at 58 (emphasis added). If we were to hold that the act of lodging an appeal of a declaratory judgment nullifies the prevailing party's right to seek further relief under § 2202, we would countermand Grigg's statement that the filing of an appeal divests the district court of its control only "over those aspects of the case involved in the appeal." See Griggs, 459 U.S. at 58; Horn & Hadart, 843 F.2d at 548 ("To rule otherwise would allow the party against whom a declaratory judgment is rendered to nullify her adversary's right to § 2202 relief merely by lodging an appeal. Indeed, such a forfeiture rule would conflict not only with common sense, but also with the principle that when a party files a notice of appeal the district court only surrenders 'its control over those aspects of the case involved in the appeal.'" (quoting Griggs, 459 U.S. at 58)); see also Burford Equip. Co. v. Centennial Ins. Co., 857 F.Supp. 1499, 1502 (M.D. Ala. 1994) (holding that the reservation of jurisdiction for motions for further relief under 28 U.S.C. § 2202 is a statutory exception to the rule set forth in Griggs). Here, United Teacher's appeal concerns only the district court's judgment and award of costs pertaining to Union/USA's fraud claim. Accordingly, United Teacher's separate argument that the district court was divested of jurisdiction over Union/USA's motion for further relief under § 2202 fails.

The United States rests this line of argument on the proposition that only one court at a time has jurisdiction. "[A] federal district court and a federal court of appeals should not attempt to assert jurisdiction over a case simultaneously. 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." Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 58 (1982). See also, e.g., Marrese v. American Academy of Orthopaedic Surgeons, 470 U.S. 373, 379 (1985); Hovey v. McDonald, 109 U.S. 150, 157 (1883); Kusay v. United States, 62 F.3d 192, 193-94 (7th Cir. 1995). That rule has several qualifications, however, perhaps the foremost of which is that an appeal taken from an interlocutory decision does not prevent the district court from finishing its work and rendering a final decision. This is so for appeals concerning preliminary injunctions, see Kusay, 62 F.3d at 194; Chrysler Motors Corp. v. Industrial Workers Union, 909 F.2d 248, 250 (7th Cir. 1990); appeals from orders rejecting claims of official immunity, see Apostol v. Gallion, 870 F.2d 1335, 1337 (7th Cir. 1989); and appeals from orders that are non-final because of the district court's oversight, see United States v. Bastanipour, 697 F.2d 170, 173 (7th Cir. 1982). The rule summarized in Griggs is designed to prevent conflict among tribunals, as well as to prevent the waste of time and money that occurs if the district court changes a judgment after an appeal has been briefed. These interests are not implicated by allowing the district court to enter a proper final decision and thus permit a pending appeal to go forward.

United Teacher Associates Insurance Co. v. Union Labor Life Insurance Co., 414 F.3d 558 (5th Cir. 06/24/2005)  
jurisdiction is in Court of Appeals

Wisconsin Mutual Insurance Co. v. United States, 441 F.3d 502 (7th Cir. 03/20/2006)  
jurisdiction is in Court of Appeals

Jurisdiction is in Court of Appeals

<p>NLRB v. Crown Laundry &amp; Dry Cleaners, Inc., 437 F.2d 290, 293 (CA5, 1971)</p>	<p>Jurisdiction is in Court of Appeals - stay applicable if not filed if not willfull</p>	<p>"The order is properly before us on direct appeal. Consequently, the only question is whether Roundtree's neglect to secure a stay of the order which we are now reversing amounted to contempt. Since there is no contention that the failure was willful, we conclude that it did not. ... We emphasize that we do not approve Roundtree's failure to seek a stay of the district court's order. But in the absence of evidence of willfulness, we reverse the judgment of contempt."</p>
<p>United States v. Roundtree, 420 F.2d 845 (5th Cir. 11/20/1969)</p>	<p>Jurisdiction is in Court of Appeals - stay applicable if not filed if not willfull</p>	