

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

Linwood Gray,

Plaintiff,

v.

Harry Staley, et al.,

Defendants.

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Civil No. 14-cv-00937 (APM)

MEMORANDUM OPINION AND ORDER MODIFYING
ORDER DATED OCTOBER 22, 2015

On September 9, 2015, and September 16, 2015, Plaintiff Linwood Gray filed Motions to Alter or Amend Judgment (collectively “Motions for Reconsideration”), ECF Nos. 34-35, which were denied by the court on October 22, 2015, Order, ECF No. 41.

It recently has come to the court’s attention that it erroneously denied Plaintiff’s Motions for Reconsideration, because the court lacked jurisdiction to do so in light of Plaintiff’s filing of a notice of appeal. *See United States v. DeFries*, 129 F.3d 1293, 1302 (D.C. Cir. 1997) (“The filing of a notice of appeal, including an interlocutory 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.’”) (quoting *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982) (per curiam)). Instead, what the court should have done was issue an indicative ruling that it would deny the Motions for Reconsideration upon remand. *See* Fed. R. Civ. P. 62.1(a). The court, therefore, modifies its Order so as not to “den[y]” Plaintiff’s Motions for Reconsideration, Order at 1, but to indicate that the court would deny those Motions upon remand.

For the foregoing reasons, the court's Order dated October 22, 2015, is modified as described above.



Amit P. Mehta
United States District Judge

Date: May 9, 2016