

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Murillo v. Holland

Murillo · No. 1:15-cv-0266-DC-SCR · Decided May 21, 2025

SUMMARY

The Eastern District of California denied without prejudice a state prisoner’s motion for a bench trial and/or settlement conference and motion for appointment of counsel. The court held that defendants’ notice of appeal from an order denying qualified immunity divested the district court of jurisdiction over matters subsumed within the appeal.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sean C. Riordan
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 21, 2025
DOCKET	1:15-cv-0266-DC-SCR
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for a bench trial and/or settlement conference and requested appointment of counsel while defendants had a pending interlocutory appeal from an order denying qualified immunity.
PRECEDENTIAL VALUE	Unknown; district-court order designated per curiam with no reporter citation.
PARTIES	K. Holland, Gutierrez v. Joaquin Murillo

TOPICS

- appellate jurisdiction
- interlocutory appeal
- civil procedure
- qualified immunity
- section 1983

PRACTICE AREAS

- civil procedure
- civil rights
- appellate procedure

QUESTIONS PRESENTED

1. Whether the filing of defendants' notice of appeal from the order denying qualified immunity divested the district court of jurisdiction to grant plaintiff's requested bench trial, settlement conference, or appointment of counsel.

HOLDINGS

1. The filing of defendants' notice of appeal divested the district court of jurisdiction to proceed on matters subsumed within the appeal, so the court lacked jurisdiction to grant plaintiff's requested relief.

KEY QUOTATIONS

“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.”
(at 1)

FACTUAL BACKGROUND

Murillo is a state prisoner proceeding without counsel in a civil-rights action under 42 U.S.C. § 1983. He requested a bench trial or settlement conference and appointment of counsel. Before the district court ruled, defendants Holland and Gutierrez filed a notice of appeal from an order denying them qualified immunity.

PROCEDURAL HISTORY

Joaquin Murillo, a state prisoner proceeding without counsel under 42 U.S.C. § 1983, filed motions for a bench trial and/or settlement conference and for appointment of counsel. Defendants Holland and Gutierrez appealed the court's December 5, 2024 order denying qualified immunity. The district court denied Murillo's motions without prejudice because the notice of appeal divested it of jurisdiction over matters involved in the appeal.

DISPOSITION

other

CASES CITED

- Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 58 (1982)

OPINION

(PC) Murillo v. Holland

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 JOAQUIN MURILLO, No. 1:15-cv-0266-DC-SCR

12 Plaintiff, 13 v. ORDER 14 K. HOLLAND, et al., 15 Defendants. 16 17 Plaintiff is a state

prisoner proceeding without counsel in this civil rights action filed 18 pursuant to 42 U.S.C. § 1983. Plaintiff filed a motion for a bench trial and/or a settlement 19 conference in this case along with a request for the appointment of counsel. ECF No. 163. 20 Before the court could rule on plaintiff's pending motion, defendants Holland and Gutierrez filed 21 a notice of appeal of the court's December 5, 2024 order denying them qualified immunity. ECF

22 No. 164. Based on the pending appeal, defendants filed an opposition to plaintiff's motion for a 23 trial and/or settlement conference. ECF No. 167. 24 The filing of defendants' notice of appeal automatically divests the court of jurisdiction to 25 proceed to trial on the issues subsumed within the appeal. See *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982) (stating that "[t]he filing of a notice of appeal is an event of 27 jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district 28 court of its control over those aspects of the case involved in the appeal."). Therefore, the court 1 | lacks jurisdiction to grant plaintiff the requested relief. 2 Accordingly, IT IS HEREBY ORDERED that: 3 1. Plaintiff's motion for a bench trial and/or a settlement conference (ECF No. 163) is 4 || denied without prejudice to renewal following the resolution of the pending appeal. 5 2. Plaintiff's motion for the appointment of counsel (ECF No. 163) is denied without 6 || prejudice. 7 || DATED: May 21, 2025 md

° SEAN C. RIORDAN

10 UNITED STATES MAGISTRATE JUDGE

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