

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

OPINION

(PC) Murillo v. Holland

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

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

11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28