

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Steven Walker v. United States Congress

No. 3:25-cv-02064-JES-BLM (S.D. Cal. Jan. 5, 2026) · No. 3:25-cv-02064-JES-BLM · Decided January 5,
2026

OPINION

Walker

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 11 STEVEN WALKER, Case No.: 3:25-cv-02064-JES-BLM 12 Plaintiff, ORDER: 13 v.

(1) DENYING MOTION FOR

14 UNITED STATES CONGRESS,

RELIEF FROM ORDER DENYING

15 Defendant. RENEWED IN FORMA PAUPERIS APPLICATION; 16

17 (2) DENYING MOTION FOR

PRELIMINARY INJUNCTION AS

18 MOOT; and 19

(3) DISMISSING CASE FOR

20

FAILURE TO COMPLY WITH THE

21 COURT'S ORDER

22 [ECF Nos. 9, 10] 23 24 // 25 // 26 // 27 28 1 On August 25, 2025, the Court denied Plaintiff
Steven Walker's ("Plaintiff") motion 2 to proceed in forma pauperis ("IFP"). ECF No. 3. On
September 11, 2025, the Court denied 3 Plaintiff's motion to reconsider the Court's previous
denial of his motion to proceed IFP. 4 ECF No. 5. On October 6, 2025, the Court overruled
Plaintiff's Objection to the Order 5 Denying Motion to Reconsider Order Denying Motion to
Proceed IFP and denied 6 Plaintiff's renewed Motion to Proceed IFP. ECF No. 8. In the October 6,
2025, Order, the 7 Court cautioned Plaintiff it would not consider any additional IFP motions or
requests for 8 reconsideration and ordered Plaintiff to pay the filing fee by October 27, 2025. Id. at
5. The 9 Court also cautioned Plaintiff that if he failed to pay the filing fee, the Court would
dismiss 10 the case without prejudice and terminate the action. Id. 11 On October 7, 2025,
Plaintiff filed a motion for preliminary injunction. ECF No. 9. 12 On October 20, 2025, Plaintiff
filed a motion to vacate and motion for relief from Order 13 Denying renewed IFP application.
ECF No. 10. Plaintiff cites Federal Rule of Civil 14 Procedure ("FRCP") 60(b)(3) and argues that

the Court's rationale for denying the renewed 15 IFP application was based on a mistaken understanding of the factual record. *Id.* at 2. On

16 December 5, 2025, Plaintiff filed a notice of appeal. ECF No. 11.

17 I. DISCUSSION

18 A. Jurisdiction 19 Generally, “[t]he filing of a notice of appeal is an event of jurisdictional 20 significance—it confers jurisdiction on the court of appeals and divests the district court of 21 its control over those aspects of the case involved in the appeal.” *Griggs v. Provident 22 Consumer Discount Co.*, 459 U.S. 56, 58 (1982). Yet, Rule 4 of the Federal Rules of 23 Appellate Procedure, “Appeal as of Right--When Taken,” also provides in relevant part: 24 (a)(4) Effect of a Motion on a Notice of Appeal. 25 (A) If a party files in the district court any of the following motions under the 26 Federal Rules of Civil Procedure--and does so within the time allowed by those rules--the time to file an appeal runs for all parties from the entry of the 27 order disposing of the last such remaining motion: 28 ... 1 (vi) for relief under Rule 60 if the motion is filed within the time allowed for filing a motion under Rule 59; 2 ... 3 (B)(i) If a party files a notice of appeal after the court announces or enters a 4 judgment--but before it disposes of any motion listed in Rule 4(a)(4) (A)--the notice becomes effective to appeal a judgment or order, in whole or in part, 5 when the order disposing of the last such remaining motion is entered. 6 Fed. R. App. P. 4(a)(4). 7 Applying Rule 4(a)(4), both the Supreme Court and Ninth Circuit have held that a 8 district court retains jurisdiction to decide a timely filed motion under Rule 59 regardless 9 of whether the motion was filed before or after a notice of appeal. See *Griggs*, 459 U.S. at 10 59 (“[I]n order to prevent unnecessary appellate review, the district court was given express 11 authority to entertain a timely motion to alter or amend the judgment under Rule 59, even 12 after a notice of appeal had been filed.”), citing Fed. R. App. P. 4(a)(4); see also *Tripati v. 13 Henman*, 845 F.2d 205, 206 (9th Cir. 1988) (“Because the purpose of Rule 4(a)(4) is to 14 prevent duplication of effort by the courts, appellate review of the underlying merits of 15 [petitioner’s appeal] would be premature prior to the district court’s consideration of the 16 motion to alter or amend the judgment.”); see also *Sams v. California Department of 17 Corrections and Rehabilitation*, No. 5:21-cv-00493-ODW (JDEx), 2025 WL 819063, at 18

*1 (C.D. Cal. Jan. 14, 2025) (Since “Plaintiff’s FRCP 59 and FRCP 60 motions remain[ed] 19 pending, Plaintiff’s Notice of Appeal [wa]s not yet effective and accordingly d[id] not 20 divest [the] Court of jurisdiction.”) 21 Because Plaintiff’s motion is timely, the Court therefore retains jurisdiction to decide 22 the instant motion regardless of whether it was filed before or after his notice of appeal. 23 B. Motion for Relief from Judgment 24 Here, Plaintiff’s entire motion repeats arguments raised in his previous motion to 25 reconsider the Court’s denial of his motion to proceed IFP and his Objection to the Order 26 Denying Motion to Reconsider Order Denying Motion to Proceed IFP. See generally ECF 27 Nos. 4, 7. Plaintiff does not raise any new evidence and instead argues that the Court 28 1 ||committed several mistakes in its prior Order Denying his motion to proceed IFP. The 2 || Court previously addressed these arguments in prior

orders regarding the ownership of his 3 || vehicle and his monthly salary. See ECF Nos. 4, 5, 6, 8. Since the Court has previously 4 ||addressed these issues in prior orders, as well as a prior motion for reconsideration, the 5 Court declines to address these issues anew. 6 In the Court's October 6, 2025, Order, the Court ordered Plaintiff to pay the filing 7 || fee by October 27, 2025. ECF No. 8. To date, Plaintiff has not paid the filing fee. The Court 8 || therefore DISMISSES WITHOUT PREJUDICE the case for failure to comply with the 9 || Court's October 6, 2025, Order. Plaintiff's motion for relief from Order Denying Renewed 10 || IFP Application is DENIED and Plaintiff's Motion for Preliminary Injunction is DENIED 11 || AS MOOT. Plaintiff's appeal will now proceed on this final order. 12 IT IS SO ORDERED. 13 Dated: January 5, 2026 14 Sun, 15 Honorable James E. Sunmons Jr. 16 United States District Judge 17 18 19 20 21 22 23 24 25 26 27 28