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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

**UNITED STATES OF AMERICA,**

**Plaintiff/Respondent,**

**v.**

**CORDELL NICHOLS,**

**Defendant/Petitioner.**

**Case No. 08-4116-JAR  
02-40098-01-JAR**

**ORDER**

Before the Court is petitioner Cordell Nichols’ “Motion in Arrest of Judgment/Motion to Alter or Amend Judgment” (Doc. 406). Petitioner filed a Notice of Appeal of the Court’s order denying his motion to vacate pursuant to 28 U.S.C. § 2255, which the Tenth Circuit Court of Appeals abated pending a decision on Nichols’ motion for reconsideration (Doc. 395). The Court disposed of Nichols’ motion on March 1, 2011 (Doc. 403), and the Tenth Circuit entered an Order stating that Nichols’ notice of appeal is now effective and the abatement is lifted, and directing Nichols to file his combined opening brief and request for certificate of appealability (Doc. 404). “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.”<sup>1</sup> Accordingly, this Court lacks jurisdiction to entertain the instant motion.

**IT IS THEREFORE ORDERED BY THE COURT** that petitioner’s Motion in Arrest

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<sup>1</sup>*Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 59 (1982) (per curiam); *see also United States v. Meyers*, 95 F.3d 1475, 1489 n.6 (10th Cir. 1996).

of Judgment/Motion to Alter or Amend Judgment (Doc. 406) is dismissed without prejudice for lack of jurisdiction.

**IT IS SO ORDERED.**

Dated: March 16, 2011

S/ Julie A. Robinson  
JULIE A. ROBINSON  
UNITED STATES DISTRICT JUDGE