

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

JEHAN ZEB MIR,

Plaintiff,

v.

JAY BROWN, et al.,

Defendants.

Case No. 15-9097-JAR-JPO

ORDER

Plaintiff Zehan Zeb Mir, proceeding *pro se*, filed this case against Defendants seeking monetary damages for multiple alleged violations of federal and California state law. On August 19, 2019, this Court entered its Memorandum and Order dismissing Plaintiff's case; Judgment was entered the same day.¹ The Court denied Plaintiff's subsequent Motion to Alter Judgment on September 30, 2019.² Plaintiff filed a Notice of Appeal with the Tenth Circuit Court of Appeals on October 8, 2019.³

This matter is presently before the Court on Plaintiff's Motion for Extension of Time to File Notice of Appeal (Doc. 48). However, this Court lost jurisdiction over this case when Plaintiff filed his notice of appeal on October 8, 2019.⁴ As Defendants point out in their response in opposition, Plaintiff's motion is made in the wake of Defendants' motion to dismiss

¹Docs. 38, 39.

²Doc. 43.

³Doc. 44.

⁴See *McKissick v. Yuen*, 618 F.3d 1177, 1196 (10th Cir. 2010) (“[T]he general rule is that, when a litigant files a notice of appeal, the district court loses jurisdiction over the case, save for ‘collateral matters not involved in the appeal.’”) (quoting *Lancaster v. Indep. Sch. Dist. No. 5*, 149 F.3d 1228, 1237 (10th Cir. 1998)).

his appeal as untimely currently pending before the Tenth Circuit.⁵ Plaintiff's request for an extension of time to file his notice of appeal is not a collateral matter but instead is directly related to the issues pending on appeal. Accordingly, the Court **dismisses** Plaintiff's motion for lack of jurisdiction.

IT IS SO ORDERED.

Dated: January 29, 2020

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

⁵Motion to Dismiss, *Mir v. Brown*, No. 19-3232 (10th Cir. Dec. 17, 2019). Plaintiff's response is due February 3, 2020.