

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ANDREW MATTHEW OBRIECHT,

Petitioner,

ORDER

v.

05-C-489-C

BYRAN BARTOW, Director,
Wisconsin Resource Center,

Respondent.

On December 9, 2005, this court entered an order denying Andrew Matthew Obrieht's requests for a certificate of appealability and for permission to proceed in forma pauperis on appeal. On December 12, 2005, petitioner filed a motion for reconsideration of the December 1, 2005 order adopting the report and recommendation of the magistrate judge. Because the motion for reconsideration was filed after petitioner filed his notice of appeal, this court lacks jurisdiction to consider it. See United States v. Turchen, 187 F.3d 735, 743 (7th Cir. 1999) (filing of notice of appeal confers jurisdiction on court of appeals and divests district court of jurisdiction to rule on aspects of case involved in appeal). Petitioner should direct any future challenges to this court's judgment to the court of appeals.

ORDER

IT IS ORDERED that petitioner Andrew Matthew Obrieht's motion for reconsideration is DENIED for lack of jurisdiction.

Entered this 13th day of December, 2005.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge