

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

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DARRICK JORDAN, #307484,

Plaintiff,

v.

ORDER

08-cv-210-bbc

TOBIAS TURON (DDS, CVCTF),
LISA YEAGER (Dental Services, (CVCTF),
BECKY DRESSLER (Nursing Supervisor, CVCTF),
BARBARA DELAP (Dental Services, Madison)
STEVEN SCHELLER (Dental Division, Portage)
and SHARON ZUNKER (Title Unknown, Madison),

Defendants.

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Plaintiff Derrick Jordan is proceeding with two separate appeals in this case. He filed his first notice of appeal on June 18, 2010, from a June 8 order denying his Fed. R. Civ. P. 60 motion for relief from judgment. On June 28, he filed a motion for reconsideration of the June 8 denial of his Rule 60 motion, which I concluded I could not address because this court no longer had jurisdiction over matters related to the motion.

On October 18, 2010, plaintiff submitted a document titled "Appeal of order denying relief from judgment pursuant to Rule 60" to the Court of Appeals for the Seventh Circuit. The court of appeals transmitted the document to this court, requesting that it be docketed as a notice of appeal. I construed this notice of appeal as including a request for leave to proceed in forma pauperis, which I denied in an order entered on November 18, 2010.

Now plaintiff has filed a document filed "Motion requesting Amendment/Correction," in which he argues that he never intended to file a second notice of appeal and should not have to pay the \$455 filing fee for the second appeal. I must deny this motion because this court does not have jurisdiction over his appeals. Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 58 (1982) ("[A] federal district court and a federal court of appeals should not attempt to assert jurisdiction over a case simultaneously.") If plaintiff believes that he should not be forced to pay for two separate appeals of the June 8, 2010 Rule 60 order, he should file a motion in the court of appeals.

ORDER

IT IS ORDERED that plaintiff's "Motion requesting Amendment/Correction," dkt. #91, is DENIED.

Entered this 31st day of January, 2011.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge