

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

BRIAN KEITH SMALL,

Defendant.

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ORDER

14-cr-18-bbc

Defendant Brian Keith Small has filed a motion in this court challenging the court’s jurisdiction over his criminal case. Not only is his motion without merit and untimely, coming as it does after defendant’s conviction, it cannot be heard by this court because defendant has filed a notice of appeal.

“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.’ Griggs v. Provident Consumer Disc. Co., 459 U.S. 56, 58(1982) (per curiam); see also United States v. Burton, 543 F.3d 950, 952 (7th Cir. 2008); United States v. McHugh, 528 F.3d 538, 540 (7th Cir. 2008). ‘Only one court at a time has jurisdiction over a subject.’ McHugh, 528 F.3d at 540. The point of the rule is to ‘avoid the confusion of placing the same matter before two courts at the same time and to preserve the integrity of the appeal process.’ In re Teknek, LLC, 563 F.3d 639, 650 (7th

Cir. 2009).” United States v. Brown, 732 F.3d 781, 787 (7th Cir. 2013). Because this court lacks jurisdiction to hear defendant’s motion, the motion must be denied.

ORDER

IT IS ORDERED that defendant Brian Keith Small’s motion challenging this court’s jurisdiction to hear his criminal case, dkt. #120, is DENIED. If defendant files any more motions challenging his criminal case, they will be reviewed by the court; if they are without foundation, they will not be made part of the court’s files, but will be placed in a drawer.

Entered this 1st day of April, 2015.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge