

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

RAMON MORENO-CUEVAS,	:	CIVIL ACTION NO.
Plaintiff,	:	3:09-CV-1237 (JCH)
	:	
v.	:	
	:	
HUNTINGTON LEARNING CENTER	:	NOVEMBER 16, 2010
and KIMBERLY CARROLL,	:	
Defendants.	:	

ORDER RE: PLAINTIFF'S MOTION FOR LEAVE TO APPEAL (Doc. No. 140)

On September 13, 2010, plaintiff, Ramon Moreno-Cuevas ("Moreno-Cuevas"), filed a Motion for Sanctions (Doc. No. 129). In addition to money compensation, Moreno-Cuevas requested the court to "adjudicate the case in favor of Plaintiff." Pl.'s Mot. for Sanctions at 13. The court denied this Motion in an Order dated September 20, 2010 (Doc. No. 130). Moreno-Cuevas promptly filed a Motion for Reconsideration (Doc. No. 131), which was subsequently denied by this court's Order on October 12, 2010 (Doc. No. 132). Moreno-Cuevas now seeks leave to appeal the October 12 Order pursuant to 28 U.S.C. § 1292(b) and Fed. R. App. P. 5(a)(3).

A district court may certify the immediate appeal of an order, when the court is "of the opinion that such order involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation." 28 U.S.C. § 1292(b). This court, however, is not of such an opinion. While Moreno-Cuevas is correct that the disposition of his Motion for Sanctions in his favor would "materially

advance the ultimate termination of the litigation,” his Motion does not involve a question of law that warrants interlocutory review. See Weber v. U.S. Tr., 484 F.3d 154, 159 (2d Cir. 2007) (noting that Congress passed section 1292(b) in order for courts of appeal to address “ephemeral” and “knotty” legal questions). The court, therefore denies plaintiff’s Motion for Leave to Appeal (Doc. No. 140).

SO ORDERED.

Dated at Bridgeport, Connecticut this 16th day of November, 2010.

/s/ Janet C. Hall
Janet C. Hall
United States District Judge