

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA

v.

BRANDEN HUERTAS

Crim. No. 3:14cr141 (JBA)

March 28, 2016

RULING ON DEFENDANT’S MOTION FOR RECONSIDERATION

Defendant Branden Huertas moves [Doc. # 88] for reconsideration of the Court’s ruling denying his motion to suppress evidence of a firearm. Mr. Huertas’s motion is DENIED, as this Court lacks jurisdiction to consider it. Mr. Huertas filed an appeal of the Court’s ruling on December 8, 2015. (See Notice of Appeal [Doc. # 84].) That appeal, which has yet to be ruled on, divests this Court of jurisdiction to hear Mr. Huertas’s motion (which would, in any event, be barred as untimely and because this case is closed). See *Hoffenberg v. United States*, No. 00 CIV. 1686 (RWS), 2004 WL 2338144, at *2 (S.D.N.Y. Oct. 18, 2004) (“Where a notice of appeal has been filed, as a general rule, the district court is divested of ‘control over those aspects of the case involved in the appeal.’” (quoting *Marrese v. Am. Academy of Orthopaedic Surgeons*, 470 U.S. 373, 379 (1985))).

IT IS SO ORDERED.

/s/

Janet Bond Arterton, U.S.D.J.

Dated at New Haven, Connecticut this 28th day of March, 2016.