

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

JOHN DOE,

Plaintiff,

v.

GUTTERIDGE JEANCHARLES,
M.D., P.A.; and GUTTERIDGE
JEAN-CHARLES,

Defendants.

Case No. 6:24-cv-34-RMN

ORDER

This cause comes before the Court for consideration without oral argument on Plaintiff's Motion to Modify or Vacate Order by Magistrate Judge Denying Leave to Proceed Pseudonymously for Review by District Court Judge (Dkt. 45), filed May 17, 2024. In his motion, Plaintiff asks this Court to amend or vacate a non-final order that Plaintiff asked the Court of Appeals for the Eleventh Circuit to review.¹ *See* Dkt. 45 at 1–2, 4 (framing the motion as an objection to the February 20, 2024 order denying Plaintiff's motion for leave to proceed pseudonymously).

¹ After the issuance of the appealed non-final order, the parties consented to have a magistrate judge conduct all proceedings, including trial, entry of a final judgment, and all post-trial proceedings. Dkt. 34; *see also* 28 U.S.C. § 636(c); Fed. R. Civ. P. 73.

The filing of a notice of appeal divests a district court of jurisdiction as to those issues involved in the appeal. *Doe v. Bush*, 261 F.3d 1037, 1064 (11th Cir. 2001). The appeal lasts until the Eleventh Circuit issues the mandate. *Zaklama v. Mount Sinai Med. Ctr.*, 906 F.2d 645, 649 (11th Cir. 1990). Because the Eleventh Circuit has not issued the mandate, this Court “is without any jurisdiction” to rule on the relief requested in the motion. *Zaklama*, 906 F.2d at 649 (citing Federal Rule of Appellate Procedure 41).

Accordingly, it is **ORDERED** that Plaintiff’s Motion to Modify or Vacate Order by Magistrate Judge Denying Leave to Proceed Pseudonymously for Review by District Court Judge (Dkt. 45) is **DENIED** without prejudice.

DONE and **ORDERED** in Orlando, Florida, on May 21, 2024.



ROBERT M. NORWAY
United States Magistrate Judge

Copies to:

Counsel of Record