

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

BARBARA R. BURNS, :
 :
 Plaintiff, :
 :
 V. : CASE NO. 3:02-CV-00897(RNC)
 :
 DAVID S. KING, :
 :
 :
 Defendant. :

RULING AND ORDER

Plaintiff moves to vacate [Doc. #84] this Court's order, dated September 30, 2003, approving and adopting over her objection the recommended ruling [Doc. # 76] of Magistrate Judge Martinez, dated September 2, 2003. She also moves for de novo review [Doc. #77] of the recommended ruling. Both motions are denied.

This court approved and adopted the recommended ruling only after considering plaintiff's objection. Therefore, her request for de novo review is denied as moot.

In her motion to vacate, plaintiff contends that she filed a notice of appeal of the recommended ruling before this court acted on it and thus the court lacked jurisdiction. The record shows that plaintiff filed a notice of appeal of this Court's order on October 1, 2003.¹ She later sent a notice of appeal to the Second Circuit

¹ That appeal was eventually dismissed by the Second Circuit, for failure to either pay the docketing fee or move for leave to proceed in forma pauperis, in a mandate dated February 25, 2004.

regarding the recommended ruling. The Court of Appeals informed her that she had to file a notice of appeal with this Court. There is no record of her subsequently filing any notice of appeal regarding the recommended ruling.

Accordingly, plaintiff's motion to vacate [Doc # 84] and motion for de novo review [Doc. #77] are hereby denied.

So ordered.

Dated at Hartford, Connecticut this 28th day of September 2004.

Robert N. Chatigny
United States District Judge