UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 17-CIV-80495-MARRA

CONSUMER FINANCIAL PROTECTION BUREAU,

Plaintiff,

v.

OCWEN FINANCIAL CORPORATION,
OCWEN MORTGAGE SERVICING, INC.,
OCWEN LOAN SERVICING, LLC and
PHH MORTGAGE CORPORATION,

Defendants.
_____/

ORDER DENYING JOHN AND JOANNA BURKE'S RENEWED MOTION TO INTERVENE FOR LACK OF JURIDSICTION [DE 786]

THIS CAUSE is before the Court on a *pro se* renewed motion to intervene filed May 19, 2021 by Joanna Burke and John Burke [DE 786].

By order entered April 21, 2021, this Court entered final judgment in favor of the Ocwen Defendants and closed this case [DE 777]. That ruling is now on appeal before the Eleventh Circuit Court of Appeals [DE 781, 784].

The filing of a notice of appeal divests the district court of jurisdiction to decide matters related to the appeal. *United States v. Tovar-Rico*, 61 F.3d 1529, 1532 (11th Cir. 1995) (quoting *Griggs v. Provident Consumer Discount Co*., 459 U.S. 56, 58 (1982) (per curiam)). While certain exceptions to this rule are noted, *United States v. Reed*, 404 Fed. Appx 464, 465 (11th Cir. 2010)(issues collateral to the appeal); *United States v. Noblitt*, 343 F. Appx. 544, 546 (11th Cir. 2009) (motions under Rule 60(b); issues collateral to the appeal), they do not apply here.

Because the present motion does not fall within any of the recognized exceptions, the Court lacks jurisdiction to entertain the motion.

It is accordingly **ORDERED AND ADJUDGED**:

The renewed motion to intervene submitted by John and Joanna Burke [DE 786] is **DENIED** for lack of jurisdiction.

DONE AND ORDERED in Chambers at West Palm Beach, Florida this 24th day of May, 2021.

KENNETH A. MARRA
United States District Judge

Copies to:

All parties