

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOSEPH P. DOUGHERTY	:	CIVIL ACTION
Plaintiff,	:	
	:	
v.	:	
	:	
STATE FARM MUTUAL AUTOMOBILE	:	
INSURANCE CO.,	:	
Defendant.	:	No. 00-4734

MEMORANDUM ORDER

J. M. KELLY, J.

JUNE 11, 2002

Presently before the Court is a Motion to Reinstate Appeal filed by Plaintiff, Joseph P. Dougherty. Plaintiff filed this diversity action against State Farm Mutual Automobile Insurance Company ("State Farm") under the Pennsylvania Motor Vehicle Financial Responsibility Law ("MVFL"), 75 Pa. Const. Ann. §§ 1701-1799 (West 1994), further alleging bad faith under 42 Pa. Const. Ann. § 8371 (West 1994). This Court dismissed Plaintiff's section 8371 bad faith claim on partial summary judgment. See Dougherty v. State Farm Mutual Automobile Ins. Co., No. CIV. A. 00-3734, 2002 WL 442107 (E.D. Pa. Feb. 7, 2002). Thereafter, Plaintiff filed a Motion for Reconsideration which this Court denied. See Memorandum and Order, Civ. A. No. 00-3734, dated April 16, 2002.

While the Motion for Reconsideration was pending, Plaintiff filed a notice of appeal on March 8, 2002, docketed as No. 02-1681. On May 7, 2002, the Court of Appeals for the Third Circuit

dismissed Plaintiff's appeal for failure to timely prosecute. Plaintiff subsequently filed another appeal on May 14, 2002, docketed under Appeals Docket No. 02-2341 contesting this Court's denial of his Motion for Reconsideration and the imposition of sanctions. Plaintiff now seeks to reinstate his March 8, 2002 appeal and to consolidate it with his May 14, 2002 appeal.

This instant motion, however, is not before the proper court. Although Plaintiff sent this motion on May 31, 2002 to the Court of Appeals for the Third Circuit, he listed the motion as a matter in the Eastern District of Pennsylvania. As a result, the Clerk of the Court for the Appeals Court referred this matter to this Court on June 10, 2002. Because the proper court to entertain this matter is the Court of Appeals for the Third Circuit and this Court lacks jurisdiction over the matter, it is **ORDERED** that the Motion to Reinstate Appeal (Doc. No. 56) is **DISMISSED**.

BY THE COURT:

JAMES MCGIRR KELLY, J.