

UNITED STATES COURT OF APPEALS August 25, 2008

FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

MEDICAL SUPPLY CHAIN, INC.,

Plaintiff,

v.

No. 08-3187

NEOFORMA, INC.; ROBERT J.
ZOLLARS; VOLUNTEER HOSPITAL
ASSOCIATION; CURT NONOMAQUE;
UNIVERSITY HEALTHSYSTEM
CONSORTIUM; ROBERT J. BAKER;
U.S. BANCORP, N A; U.S. BANK
NATIONAL ASSOCIATION; JERRY A.
GRUNDHOFFER; ANDREW CESERE;
PIPER JAFFRAY COMPANIES;
ANDREW S. DUFF; SHUGART
THOMSON & KILROY, P.C.;
WATKINS BOULWARE, PC;
NOVATION LLC,

Defendants - Appellees,

SAMUEL K. LIPARI,

Interested Party - Appellant.

ORDER

This is an appeal from proceedings in U.S. District Court for the District of Kansas No. 05-CV-2299. Appellant has filed a "Motion to Remand the Appeal for

Ruling on Open 28 USC § 144 Affidavit.” Appellant asserts that on August 18, 2008, he filed an “affidavit of prejudice” in a separate proceeding in the Kansas U.S. District Court in which he is involved, No. 07-CV-2146. Appellant asks that the court remand jurisdiction to the district court to address his affidavit.

There is no appeal before this court involving Kans. Dist. Ct. No. 07-CV-2146. We have no jurisdiction to remand as to that proceeding. There is no impediment caused by this appeal, which involves No. 05-CV-2299, to the district court ruling on any pending matter in No. 07-CV-2146.

For the forgoing reasons, the “Motion to Remand the Appeal for Ruling on Open 28 USC § 144 Affidavit” is denied as moot.

Entered for the Court
ELISABETH A. SHUMAKER
Clerk of Court



by:
Douglas E. Cressler
Chief Deputy Clerk