

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAY 27 2008

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

JOSEPH KIEFER, II,

Plaintiff - Appellant,

v.

LITHIA MOTORS, INC.; LITHIA HPI,
INC., dba Lithia Volkswagen Audi, dba
Lithia Volkswagen Isuzu, dka Lithia
Volkswagen; LITHIA MEDFORD HON,
INC.; LITHIA MOTORS SUPPORT
SERVICES, INC.,

Defendants - Appellees.

No. 06-35289

D.C. No. CV-02-03030-AI

ORDER*

Appeal from the United States District Court
for the District of Oregon
Ann L. Aiken, District Judge, Presiding

Argued and Submitted February 4, 2008
Portland, Oregon

Before: RYMER, T.G. NELSON, and PAEZ, Circuit Judges.

Joseph Kiefer appeals the district court's post-judgment order sanctioning him for breaching a settlement agreement in a wrongful termination action. The

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

district court lacked jurisdiction to sanction Kiefer because it failed to retain jurisdiction over the settlement agreement in the order of dismissal or to incorporate the terms of the settlement agreement in the order of dismissal. *See Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 381 (1994). Therefore, the district court's sanctions order must be vacated.

REVERSED and VACATED.