

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with
Fed. R. App. P. 32.1

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

Submitted August 21, 2006
Decided January 22, 2007

Before

Hon. WILLIAM J. BAUER, *Circuit Judge*

Hon. KENNETH F. RIPPLE, *Circuit Judge*

Hon. MICHAEL S. KANNE, *Circuit Judge*

No. 04-3073

RICHARD DISHER, individually and
on behalf of all others similarly
situated,

Plaintiff-Appellee,

Appeal from the United States
District Court for the Southern
District of Illinois.

No. 04 C 308

v.

G. Patrick Murphy, *Chief Judge*.

CITIGROUP GLOBAL MARKETS
INCORPORATED,

Defendant-Appellant.

O R D E R

This case is before the court on remand from the Supreme Court of the United States. The Supreme Court vacated our earlier judgment, *see Disher v. Citigroup Global*, 403 F.3d 478 (7th Cir. 2005), and remanded the case to us with instructions to reconsider our earlier determination in light of *Kircher v. Putnam Funds Trust*, 547 U.S. ___, 126 S. Ct. 2145 (2006). *See Disher v. Citigroup Global Markets, Inc.*, 548 U.S. ___, 126 S. Ct. 2964 (2006).

Kircher came from this circuit, and we already have taken action in that matter in light of the decision of the Supreme Court. *See In the Matter of Mutual Fund Market-Timing Litigation*, 468 F.3d 439 (7th Cir. 2006). The same action is appropriate here. Accordingly, because we lack jurisdiction, we dismiss the appeal.

**APPEAL DISMISSED for
WANT of JURISDICTION**