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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

8
9 Ralph John Chapa,

10 Plaintiff,

11 v.

12 Janies K. Brewer, et al.,

13 Defendants.

No. CV-11-01729-PHX-DGC

ORDER

14 On February 22, 2012, the Court screened Plaintiff's complaint, dismissed it for
15 failure to state a claim, and granted Plaintiff 30 days to file an amended complaint.
16 Doc. 21. The Court also provided instructions for filing civil rights complaints. *Id.*

17 The Court's order specifically stated that judgment would be entered against
18 Plaintiff if he failed to file an amended complaint within 30 days. *Id.* at 10. When
19 Plaintiff failed to file an amended complaint within that time, the Court entered judgment
20 against him. Doc. 28. The judgment was entered on May 22, 2012. Plaintiff filed an
21 untimely notice of appeal on July 3, 2012, asserting that he had never received notice of
22 the judgment. Doc. 29. The Court of Appeals has remanded the case for this Court to
23 consider reopening the time for appeal under Rule 4(a)(6) of the Federal Rules of
24 Appellate Procedure. Doc. 34.

25 The docket shows that Plaintiff has not been receiving mail sent by the Court,
26 corroborating Plaintiff's claim that he did not receive notice of the Court's judgment. *See*
27 Docs. 27, 32, 33. Because it appears that all requirements of Rule 4(a)(6) have been
28 satisfied, the Court will reopen the time to file an appeal for a period of 14 days. The

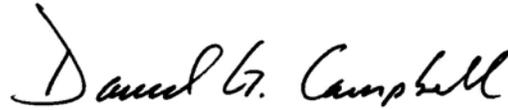
1 Court of Appeals has stated that Plaintiff need not file a new notice of appeal. Doc. 34.

2 **IT IS ORDERED:**

3 1. Pursuant to Federal Rule of Appellate Procedure 4(a)(6), the period for
4 filing a notice of appeal is reopened for 14 days. As a result, Plaintiff's current notice of
5 appeal is deemed timely filed.

6 2. The Clerk shall serve a copy of this order on the Ninth Circuit Court of
7 Appeals, reference case 12-16525.

8 Dated this 17th day of August, 2012.

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13 David G. Campbell
14 United States District Judge
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