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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
8

9 Leonard L. Manning,
10 Plaintiff,

No. CV 14-0343-PHX-SMM (MHB)

11 v.

ORDER

12 John Gay, et al.,
13 Defendants.
14

15 On February 21, 2014, Plaintiff Leonard L. Manning, who is confined in the
16 Arizona State Prison-Central Arizona Correctional Facility (“CACF”), filed a *pro se* civil
17 rights Complaint pursuant to 42 U.S.C. § 1983 and an Application to Proceed *In Forma*
18 *Pauperis*. In a March 14, 2014 Order, the Court denied the Application to Proceed
19 because Plaintiff did not file a certified six-month trust account statement. The Court
20 gave Plaintiff 30 days to pay the filing and administrative fees or to file a complete
21 Application to Proceed *In Forma Pauperis*, including a certified six-month trust account
22 statement.

23 On April 8, 2014, Plaintiff filed a “Motion for Relief from the Court’s Order.” In
24 a June 16, 2014 Order, the Court denied Plaintiff’s Motion, but gave Plaintiff another 30
25 days to either pay the \$400.00 filing and administrative fees or file a complete
26 Application to Proceed *In Forma Pauperis*, including a certified six-month trust account
27 statement. On June 30, 2014, Plaintiff filed an Application to Proceed *In Forma*
28 *Pauperis*. In a September 16, 2014 Order, the Court granted the Application to Proceed

1 and dismissed the Complaint with leave to amend. The Court gave Plaintiff 30 days to
2 file an amended complaint. Plaintiff did not do so and, on October 31, 2014, the Clerk of
3 Court entered a judgment of dismissal for failure to comply with a court order.

4 On November 24, 2014, more than three weeks after the Clerk entered judgment,
5 Plaintiff filed a Motion for Extension of Time to File a First Amended Complaint (Doc.
6 13). On December 31, 2014, Plaintiff filed a Motion for Enlargement of Time to File a
7 Notice of Appeal (Doc. 14).

8 In the Motion for Extension of Time to File a First Amended Complaint, Plaintiff
9 states he suffers from medical disabilities which impede his penmanship and ability to
10 write. Plaintiff further re-iterates the claims in his original complaint and argues that he
11 is entitled to access to the courts. Plaintiff does not explain why he was unable to request
12 an extension of time within the 30-day filing deadline or why he filed nothing until three
13 weeks after a judgment of dismissal was entered.¹ Accordingly, the Court will deny the
14 Motion for Extension of Time.

15 Plaintiff has also filed Motion for Enlargement of Time to File a Notice of Appeal
16 (Doc. 14). Rule 4(a)(4)(A) of the Federal Rules of Appellate Procedure provides:

17 If a party timely files in the district court any of the following
18 motions under the Federal Rules of Civil Procedure, the time
19 to file an appeal runs for all parties from the entry of the order
disposing of the last such remaining motion:

20 . . .

21 (iv) to alter or amend the judgment under Rule 59;

22 . . .

23 (vi) for relief under Rule 60 if the motion is filed not later
24 than 28 days after judgment is entered.

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27 ¹ The Court notes that Plaintiff was able to timely comply with the two previous
28 filing deadlines set by the Court in this case. The Court further notes Plaintiff has filed
five previous actions with this Court and is familiar with the Court's procedures and
filing deadlines.

