

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
LITTLE ROCK DIVISION**

**NASSER AHMED AMERI
1591K**

PLAINTIFF

v. **No. 4:09-CV-00212 GTE**

**BERMARD C. BAILEY; BILL SHEETS;
and VISAGE TECHNOLOGY, INC.**

DEFENDANTS

ORDER EXTENDING TIME FOR APPEAL

It has come to the Court's attention that the Plaintiff Nasser Ahmed Ameri was not provided with a copy of the Court's Order of Dismissal and Judgment (Doc. Nos. 5 and 6) and filed on April 17, 2009.¹ The Court notes that Mr. Ameri filed a change of address notice with the Court on April 20, 2009, but copies of the Court's Order and Judgment have never been mailed to that address. Mr. Ameri has indicated that he wishes to appeal the Court's Order of Dismissal.

The Court is authorized by Federal Rule of Appellate Procedure 4(a)(6) to reopen the time to file an appeal when certain conditions are met. The Court finds that those conditions are satisfied. Accordingly, the Court will reopen the period of time to file an appeal for a period of fourteen days from the entry of this Order.

It is Plaintiff's obligation to submit a timely notice of appeal.

Additionally, the Court notes that it has already certified in this case that an *in forma*

¹ Mr. Ameri contacted the Court by e-mail. The correct procedure would have been to file a motion seeking relief in the case.

pauperis appeal would not be taken in good-faith. *See* Judgment, Doc. No. 6. The Plaintiff will therefore have to contest the Court's finding of lack of good faith by filing a motion in the court of appeals to proceed *in forma pauperis* on appeal if he seeks to avoid payment of the filing fee for an appeal. *See* Fed. R. App. P. 24(a)(5).

IT IS HEREBY ORDERED THAT the time for filing a notice of appeal of this Court's Order and Judgment dated April 17, 2009, is hereby extended for fourteen days from the date of this Order.

IT IS FURTHER ORDERED THAT the Clerk of the Court shall mail the Plaintiff, along with this Order, a copy of the docket sheet and the Order and Judgment from which he seeks to appeal. Finally, the Clerk of the Court shall also e-mail the Plaintiff a copy of these items to the following e-mail address: amerinaa@hotmail.com.²

IT IS SO ORDERED this 20th day of August, 2009.

/s/Garnett Thomas Eisele _____
UNITED STATES DISTRICT JUDGE

² This step is taken as an extra precaution to ensure prompt notice of this Order to Plaintiff. The e-mail provided is the e-mail address used by Plaintiff to communicate directly with the Court.