

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 17-3973-SS	Date	July 16, 2018
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Title	Dwight A. Staten v. Nancy A. Berryhill
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Present: The Honorable	Suzanne H. Segal
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Marlene Ramirez	n/a
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Deputy Clerk	Court Reporter / Recorder
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Attorneys Present for Plaintiff:	Attorneys Present for Defendant:
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None present	None present
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Proceedings: ORDER TO SHOW CAUSE RE GROUNDS TO REOPEN TIME TO FILE AN APPEAL

On March 12, 2018, this Court entered judgment affirming the decision of the Commissioner of the Social Security Administration. Plaintiff was represented by Steven G. Rosales of Lawrence D. Rohlfling Law Offices during the proceedings before the district court. The deadline for filing a Notice of Appeal was 60 days from March 12, 2018, or May 12, 2018. See Federal Rule Appellate Procedure 4(a)(1)(B).

On May 17, 2018, Plaintiff, without counsel, filed a document entitled "Notice of Appeal." The Court construes this document as Plaintiff's intent to file a Notice of Appeal. However, the document was untimely filed as it was filed five days after the deadline expired. Plaintiff included a request for an extension of time, but it is unclear exactly what type of extension Plaintiff was seeking.

Under FRAP Rule 4(a)(6), a party may move the district court to reopen the time for an appeal. The district court may reopen the time to file the appeal if the court finds that (1) the moving party did not receive notice within 21 days of entry; (2) the motion is filed within 180 days after the judgment or within 14 days after the moving party receives notice of the judgment, whichever is earlier; and (3) the court finds no prejudice to any party.

Based upon Plaintiff's current Notice of Appeal and request for extension, the Court cannot make the determinations required by the rule. Accordingly, the Court issues an Order to Show Cause Regarding Grounds to Reopen Time To File An Appeal, requiring Plaintiff to respond in 14 days and address the questions above. That is, Plaintiff must identify when notice of the judgment was received. Furthermore, Plaintiff and Defendant may address the issue of prejudice.

IT IS SO ORDERED

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