

1
2
3
4
5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
7

8 VEANA G. SILVA-PEARSON,

No. C 11-01491 SI

9 Plaintiff,

**ORDER RESPONDING TO PLAINTIFF'S
LETTER TO THE COURT AND
GRANTING PLAINTIFF ADDITIONAL
TIME TO APPEAL**

10 v.

11 BAC HOME LOANS SERVICING, LP ET AL,

12 Defendants.
13 _____/

14 On July 5, 2011 this Court granted defendant BAC Home Loan Servicing's motion to dismiss
15 this case. The Court found, that as a matter of law, plaintiff could not maintain her action asserting BAC
16 breached plaintiff's loan modification agreement where plaintiff's own evidence demonstrated that she
17 did not make the modification payments on time and in the correct amounts. *See* Docket No. 27.
18 Judgment was entered and copies of the Court's order and judgment were mailed to Ms. Pearson on July
19 7, 2011. Docket Nos. 27 & 28 (Attachment 1, proofs of service)..

20 On August 12, 2011, the Court received a letter from Ms. Pearson, asserting that she did not
21 receive notice of the Court's order and judgment until July 26, 2011. Ms. Pearson requests that the court
22 "give me an appeal on your ruling and give me my day in court." Docket No. 30 at 2. Ms. Pearson also
23 included additional documentation regarding her loan modification agreement and her claims in the
24 dismissed case.


25 To the extent Ms. Pearson's letter is asking the Court for reconsideration under Fed. Rule Civ.
26 Proc. 60, that motion is DENIED. The additional documents submitted do not alter this Court's
27 conclusion that Ms. Pearson cannot state a claim as a matter of law. To the extent the letter is asking
28 the Court for an extension of time to file an appeal of this Court's judgment under Fed. Rule of

1 Appellate Proc. 4(a)(5)(A)(i), the Court GRANTS Ms. Pearson a thirty (30) day extension from the date
2 of this order within which she can file a notice of appeal of the Court's judgment.

3 If Ms. Pearson wishes to file a notice of appeal from this Court's judgment, she must file her
4 notice of appeal in this Court on or before **September 12, 2011.**

5
6 **IT IS SO ORDERED.**

7
8 Dated: August 12, 2011



SUSAN ILLSTON
United States District Judge