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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

LESLIE PATRICE BARNES MARKS,

Plaintiff,

vs.

TREVNOR ASKEW; et al.,

Defendants.

Case No: C 11-03851 SBA

ORDER

On October 11, 2012, the Court entered judgment in favor of Defendants. Dkt. 116. On December 7, 2012, Plaintiff filed a notice of appeal. Dkt. 119. On January 25, 2013, the Ninth Circuit issued an Order stating that "although the December 7, 2012 notice of appeal was not filed within 30 days after the judgment entered on October 11, 2012, appellant's notice of appeal contains a statement that she did not learn of the district court's judgment until December 3, 2012. We construe this statement to be a timely motion to reopen the time to appeal pursuant to Federal Rule of Appellate Procedure 4(a)(6)." Dkt. 124. The Order further states that because the district court has not had the opportunity to rule on this motion, appellant's appeal is "remanded to the district court for the limited purpose of allowing that court to rule on appellant's December 7, 2012 motion." Id. Following the issuance of the Ninth Circuit's Order, one of the Defendants contacted the Court and requested the opportunity to submit briefing in response to Plaintiff's motion.

Accordingly,

IT IS HEREBY ORDERED THAT:

1. Each Defendant may file an opposition to Plaintiff's motion to reopen the time to appeal not to exceed five (5) pages by no later than February 20, 2013.

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2. In the event that an opposition is filed, Plaintiff may file a reply not to exceed five (5) pages by no later than February 27, 2013.

3. Once briefing on this matter is complete, the Court will take the matter under submission without oral argument.

IT IS SO ORDERED.

Dated: 2/13/13



SAUNDRA BROWN ARMSTRONG
United States District Judge