

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Chief Judge Wiley Y. Daniel

Civil Action No. 03-cv-00557-WYD-KLM

RUSSELL MARSHALL BOLES,

Plaintiff,

v.

GARY D. NEET, et al.,

Defendants.

ORDER

THIS MATTER is before the Court on Plaintiff's Motion for Extension of Time to File Notice of Appeal, filed October 16, 2009 [#323]. Judgment entered in this case on September 30, 2009, and pursuant to Fed. R. App. P. 4(a)(1), Plaintiff has until October 30, 2009 to file his Notice of Appeal. The district court may grant an extension of time for the filing of a Notice of Appeal under Rule 5(A)(i) if the request for extension is made no later than thirty days after the time prescribed by Rule 4(a) expires, and where a party demonstrates good cause or excusable neglect. Here, Plaintiff requests a thirty-day extension of time stating that he has "extremely restricted access to a law library and other cases in the works." While Plaintiff's limited access to the law library may constitute "good cause" for an extension, I do not find the fact that he has "other cases in the works" to demonstrate good cause or excusable neglect.

Therefore, it is hereby

ORDERED that Plaintiff's Motion for Extension of Time to File Notice of Appeal, filed October 16, 2009 [#323] is **GRANTED IN PART**. Plaintiff shall have up to and including **Monday November 16, 2009** to file his Notice of Appeal in this case. It is

FURTHER ORDERED that Plaintiff's Motion to Waive Copy Requirements, filed October 16, 2009 [#322] is **GRANTED** provided that Plaintiff file at least one original copy of his Notice of Appeal.

Dated: October 23, 2009

BY THE COURT:

s/ Wiley Y. Daniel
Wiley Y. Daniel
Chief United States District Judge