

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

TREMAINE L. BAILEM,

Petitioner,

v.

Case No: 2:16-cv-18-FtM-38MRM

STATE OF FLORIDA and  
SECRETARY, DOC,

Respondents.

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**OPINION AND ORDER**<sup>1</sup>

This matter comes before the Court on Petitioner, Tremaine Bailem's Motion for Extension of Time to File Notice of Appeal ([Doc. #46](#)) filed on July 14, 2017. Bailem moves the Court to enlarge the time for him to file his appeal by thirty days. As grounds, Bailem argues that he has filed a Motion for Reconsideration and a Motion to Amend Final Judgment. Bailem does not wish to file his appeal until such time the Court rules on his pending Motions.

The Federal Rules of Appellate Procedure provide that a party in a civil case must file a notice of appeal "within 30 days after the judgment or order appealed from is entered" in order to invoke the jurisdiction of the appellate court. [Fed. R. App. P.](#)

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4(a)(1)(A). The timely filing of a notice of appeal is a mandatory prerequisite to the exercise of appellate jurisdiction. *Advanced Estimating Sys., Inc. v. Riney*, 77 F.3d 1322, 1323 (11th Cir. 1996). However, a district court may extend the time to appeal if the party establishes “excusable neglect or good cause” to justify the late filing. Fed. R. App. P. 4(a)(5)(A)(ii).


In this instance, the Court finds good cause to grant the thirty day extension of time.

Accordingly, it is now

**ORDERED:**

Petitioner, Tremaine Bailem's Motion for Extension of Time to File Notice of Appeal ([Doc. #46](#)) is **GRANTED**. The deadline to file his appeal with the Eleventh Circuit is extended up to and including August 18, 2017.

**DONE** and **ORDERED** in Fort Myers, Florida this 18th day of July, 2017.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record