IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION

STEPHEN SHARPE,   *
                                   *
        Plaintiff,   *
                                   *
        v.   *   CV 618-015
                                   *
MASSIE MCINTYRE, et al.,   *
                                   *
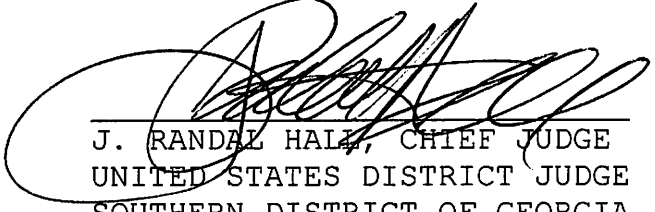   Defendants.   *

_____

O R D E R

_____

Before the Court is a collection of documents submitted by Plaintiff Stephen Sharpe. Included in the collection is a letter to the United States Court of Appeals for the Eleventh Circuit which asks whether it is too late for Plaintiff to file an appeal. The Eleventh Circuit Clerk marked the letter received on August 7, 2019 and forwarded the letter to this Court, which filed it a day later. Given the considerable time that elapsed following the entry of judgment in this case and the filing of the instant letter, the Court construes Plaintiff's filing as a motion to reopen the time to appeal and denies it for the following reasons.

This Court entered judgment dismissing this case with prejudice on June 7, 2018, which it amended to a dismissal without prejudice on January 31, 2019. Even measured from the date the judgment was amended, Plaintiff did not file the present motion until over 180 days later. A motion to reopen the time to file an

appeal must be filed, at latest, within 180 days of the entry of judgment. Fed. R. App. P. 4(a)(6). Thus, Plaintiff's motion is untimely. Plaintiff has also not made any of the other required showings under the Rule.[1]

Upon consideration, Plaintiff's motion (doc. 40) is hereby **DENIED**.

ORDER ENTERED at Augusta, Georgia this 22nd day of October, 2019.

_____
J. RANDAL HALL, CHIEF JUDGE
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA

---

[1] The Court notes that of the possible motions Plaintiff's filing could be construed as, Rule 4(a)(6) has the most lenient timeline. For example, if the Court were to construe Plaintiff's motion as one for an extension of time under Rule 4(a)(5), it would still be untimely because the deadline for such motions is 30 days from the day on which the standard time to file a notice of appeal expired.