

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

WILLIAM J. FLOHRS,

Plaintiff,

v.

No. 12-2439-SAC

ELI LILLY AND COMPANY, et al.,

Defendants.

MEMORANDUM AND ORDER

This civil case comes before the Court on Plaintiff's motion for an additional 60 days in which to file an appeal. In support of that motion, Plaintiff alleges that settlement negotiations are ongoing and that he needs additional time in which to discuss settlement of the case.

Federal Rule of Appellate Procedure (FRAP) 4(a) states that in a civil case, the notice of appeal must be filed within 30 days after entry of the judgment appealed from. That rule provides that the district court may extend the time to file a notice of appeal if a party moves for an extension within 30 days after the original appeal time expires, and the party "shows

“excusable neglect or good cause.” FRAP 4(a)(5)(A). But no extension may exceed 30 days after the original time, or 14 days after the date of an order granting the motion, whichever is later. *Id.*

Plaintiff shows no reason for not filing his notice of appeal within the original 30-day period, and shows neither excusable neglect nor good cause for not doing so. See generally *Bishop v. Corsentino*, 371 F.3d 1203, 1206-07 (10th Cir. 2004); *City of Chanute v. Williams Natural Gas Co.*, 31 F.3d 1041, 1046 (10th Cir. 1994). That Plaintiff filed this motion within his original 30-day period in which to appeal shows that he could have instead timely filed his notice of appeal. Plaintiff could have subsequently withdrawn or dismissed his appeal thereafter, in the event settlement negotiations were fruitful.

IT IS THEREFORE ORDERED that plaintiff’s motion for an extension of time in which to file his notice of appeal (Dk. 85) is denied.

Dated this 6th day of June, 2013, at Topeka, Kansas.

s/ Sam A. Crow
Sam A. Crow, U.S. District Senior Judge